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Letter dated 18 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and in accordance with paragraph 2 of resolution 1654 (2006), I have the honour to submit herewith the report of the Group of Experts on the Democratic Republic of the Congo (see annex).

In this connection, I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Oswaldo **de Rivero**
Chairman

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Annex

Letter dated 15 June 2006 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004)

The Group of Experts on the Democratic Republic of the Congo has the honour to transmit herewith its report, in accordance with paragraph 2 of the Security Council resolution 1654 (2006).

(*Signed*) Ibra Déguène **Ka**

(*Signed*) Joseph André Jacques **Buisson**

(*Signed*) Rico **Carisch**

(*Signed*) Abdoulaye **Cissoko**

(*Signed*) Jean Luc **Gallet**

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Abbreviations

ANR	National Intelligence Agency
BCC	Central Bank of the Congo
CAGL	Compagnie aérienne des Grands Lacs
CONADER	National Commission for Demobilization and Reintegration [Commission nationale de la démobilisation et réinsertion]
DAC	Civil Aviation Authority [Direction de l'aeronautique civile]
DGM	General Directorate for Immigration
DGRAD	General Directorate for Administrative, Judicial, Property and Share Revenues
EUSEC	European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo
FARDC	Armed Forces of the Democratic Republic of the Congo
FDLR	Forces démocratiques de libération du Rwanda
FLC	Front de libération du Congo
FNI	Front des nationalistes et intégrationnistes
FRPI	Front de résistance patriotique d'Ituri
GLBC	Great Lakes Business Company
MRC	Mouvement révolutionnaire congolais
OFIDA	Customs and Excise Office
OKIMO	Office des mines d'or de Kilo-Moto
RCD-Goma	Rassemblement congolais pour la démocratie
SOMIKIVU	Société minière du Kivu
TPD	Tous pour la paix et le développement

I. Introduction

1. The Security Council, in its resolution 1493 (2003), imposed an arms embargo on the eastern part of the Democratic Republic of the Congo, in particular on the district of Ituri and the two Kivu provinces. By its resolution 1596 (2005), the Council extended the embargo to the entire Democratic Republic of the Congo, clarified the exemptions to the embargo, strengthened the monitoring mechanism and, lastly, requested States to ensure and report on the implementation of the measures set forth in the resolution.

2. In its resolution 1616 (2005), the Security Council extended to 31 July 2006 the provisions of paragraphs 20 to 22 of resolution 1493 (2003), as amended and expanded by paragraph 1 of resolution 1596 (2005), and reaffirmed paragraphs 2, 6, 10 and 13 to 15 of resolution 1596 (2005). The Council also renewed the mandate of the Group of Experts.

3. The Security Council further recalled, in its resolution 1654 (2006), the previous resolutions concerning the Democratic Republic of the Congo, in particular resolutions 1616 (2005) and 1649 (2005), and declared its determination to enforce the measures provided for in paragraphs 13 and 15 of resolution 1596 (2005) against persons and entities acting in violation of the embargo. The Security Council reaffirmed that all parties and all States should cooperate fully with the work of the Group of Experts and should ensure unhindered and immediate access to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate.

4. The Security Council requested the Secretary-General, in consultation with the Committee established in accordance with paragraph 8 of resolution 1533 (2004), to re-establish the Group of Experts referred to in paragraph 10 of resolution 1533 (2004) and paragraph 21 of resolution 1596 (2005), within 30 days from the date of adoption of the resolution and for a period expiring on 31 July 2006.

5. By a letter dated 7 March 2006, the Secretary-General informed the Security Council of the composition of the Group of Experts. Chaired by Ibra Déguène Ka (Senegal), the Group is composed of the following experts:

- Jacques A. J. Buisson (Canada, arms trafficking expert)
- Enrico Carisch (Switzerland, finance expert)
- Abdoulaye Cissoko (Mali, aviation expert)
- Jean-Luc Gallet (France, customs and border control expert)

The Group of Experts was assisted by two consultants, David Huxford (United Kingdom of Great Britain and Northern Ireland) and Peter Danssaert (Belgium) and by Manuel Bressan, Political Affairs Officer of the Secretariat.

6. The Group of Experts wishes to thank the Special Representative of the Secretary-General, Ambassador William Lacy Swing, and the staff of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Kinshasa for their logistical support and continued collaboration in the area of information exchange. The Group of Experts thanks the MONUC offices in Bunia, Goma and Lubumbashi and its liaison offices in Kampala and Kigali.

7. The Group of Experts thanks the United Nations Operation in Burundi (ONUB) for the facilities it offered the Group during its stay in Bujumbura.

A. Methodology

8. The Group of Experts had seven weeks at its disposal for field investigation before drafting the report and two weeks of investigations after submitting the draft report. During this period, the Group met with Government authorities and pursued its enquiries on the ground, particularly in the districts of Ituri and North Kivu and in Katanga. In the region the group met the authorities of the Democratic Republic of the Congo, Uganda, Rwanda, Burundi, Kenya and the United Republic of Tanzania.

9. Internationally, the Group of Experts met with the Governments of Belgium, France, Germany, the Libyan Arab Jamahiriya, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In its effort to trace certain lines of supply, the Group also intended to visit some weapons-producing countries, but was unable to do so because of time constraints.

10. In order to enable States to prepare for the visits of the Group, notes verbales, which were sent one month in advance, included a list of the information requested. The Group of Experts maintained contacts with some Governments after the visits in order to remind them of documents and information needed to carry out its mission.

11. Since the list of individuals and entities subject to the travel ban and financial sanctions was adopted by the Security Council on 1 November 2005, the Group of Experts has continued to remind some of the Governments of the region and financial institutions of the need to comply with these measures.

12. In the area of arms trafficking, the Group of Experts traced firearms on three levels: internationally from arms producing countries; regionally from the Great Lakes region; and domestically from within the Democratic Republic of the Congo.

13. The methodology of the Group of Experts regarding its investigations on the illegal movement of arms, civil aviation, border control and immigration and financing was conducted according to the guidelines described in paragraphs 10 to 13 of the report of the Group of Experts submitted on 23 December 2005 (S/2006/53, annex).

14. The Group provided the Chairman of the Committee with two interim reports on the progress of its investigations in the field. As requested by the Security Council in its resolution 1654 (2006), Ibra Déguène Ka, the Chairman of the Group of Experts, presented the Group's midterm report to the Committee on 23 May 2006.

B. Context

15. The Group of Experts began drafting its final report two months before the scheduled presidential and legislative elections in the Democratic Republic of the Congo.

16. The presidential and legislative elections, seven months after the referendum, will take place in a situation of improved security apart from certain areas in the

north-east where the risks of violence during the elections remain high. These risks include weak State authority, insufficient capacity of the Armed Forces of the Democratic Republic of the Congo (FARDC) to efficiently manage crisis and the presence of non-integrated combatants and illegal armed groups. Further potential threats are ethnic polarization of the political campaign and press manipulation. All these issues are not only potential threats to general security in the country, but also to the peaceful conduct of the upcoming elections.

17. The Group of Experts noted that, in the field of security reforms, significant progress has been made towards integration, although the process is still incomplete and requires further support. Since peace and security in the country mainly depend on the success of security reform, the Group of Experts urges the authorities of the Democratic Republic of the Congo to renew their efforts to quickly conclude the integration.

18. The Group of Experts welcomes the vigorous actions that FARDC, with the support of MONUC, has taken against armed groups in the eastern part of the country. The Group is also aware and very concerned about abuses committed by FARDC units and frequent reports about their incursions into industrial installations (mines). The Group of Experts considers that these actions by FARDC threaten the security of the State and the electoral process.

19. Competition for control of natural resources in the district of Ituri, the Kivus and northern and central Katanga aimed at financing both rebel armed groups and political actors continues to deprive the country and the population of their wealth and to spoil their quest for peace and security.

20. The profound challenges facing the upcoming elections, internal instability in the north-east, continued foreign and domestic armed group activities and slow integration of FARDC are further compounded by arms caches hidden throughout the country and by internal arms markets, which are flooded with weapons and ammunition. Furthermore, persistent problems with border porosity, continued lack of air space surveillance and poorly monitored financial flows have created a permissive environment for embargo violations. The Group considers that close cooperation among MONUC, the European Union-led peacekeeping force and FARDC will be essential to deter these threats, especially during the voting period and after the elections.

21. Lastly, the Group of Experts encourages the international community to focus on the organization of free and democratic elections in the Democratic Republic of the Congo and to continue to support the country and its institutions, thus allowing it to face its main challenges. These include: an efficient administration, an independent judiciary system, a professional and completely unified army, a culture of good governance and a more balanced sharing of national resources. The Group of Experts believes that this is the most effective long-term strategy for curbing violence and the best response to the high expectations of the Congolese population.

II. Illegal movements of firearms

A. Investigative approach

22. During this mandate, the Group of Experts retained the method adopted throughout its previous mandate. It continued its investigations on two fronts: border contraband and arms trafficking within the Democratic Republic of the Congo.

B. Internal arms trafficking

23. Internal trafficking in arms and ammunition through the illegal appropriations or diversions mentioned in various independent reports constitutes a genuine threat to the peace process.

24. The failings in the establishment, management and sharing of arms inventories in the Democratic Republic of the Congo are factors that facilitate illegal appropriations or diversions. The few databases that do exist are too inaccurate to enable an efficient enquiry.

25. During its last two mandates, the Group of Experts transmitted requests to various arms-producing countries for assistance in tracing arms found in the Democratic Republic of the Congo. The results thus far communicated have not permitted the Group to move forward with its investigations. The Group of Experts is still awaiting a reply from a number of these countries.

26. In their replies, the manufacturers stated that the bulk of the data is no longer available because the manufacturing dates are so old.

27. In most exporting countries, no individual identification or serial numbers of arms are required in order to obtain export licences. Consequently, the replies to requests for information are almost invariably negative.

28. Several discussions concerning the periods for which manufacturers should keep arms-related information and the need for more accurate descriptions of arms on export documents have taken place in various forums, notably the United Nations small arms and light weapons (SALW) initiative.

29. The difficulties encountered by the Group of Experts in its investigations in the Democratic Republic of the Congo and also in making requests to neighbouring and arms-producing countries are directly linked to the lack of data in the Democratic Republic of the Congo, among manufacturers and in export documents.

30. To compound these difficulties, the arms now present in the Democratic Republic of the Congo are neither inventoried, correctly identified nor marked in such a way as to facilitate their management. The process of conducting enquiries is therefore extremely problematic and the lack of accurate inventories makes arms trafficking very much easier at the national, regional and international levels.

Cases studied

- **FARDC arms supplied to rebels of the Forces démocratiques de libération du Rwanda (FDLR).** A concrete example of the importance of accurate databases is illustrated by the two verifications carried out in Goma by the Group of Experts. In November 2005, the Group identified and listed over 3,000 arms associated with the various disarmament programmes in the region. These arms were subsequently reported as having been destroyed or returned to FARDC for distribution to integrated units, in accordance with the collection-programme arrangement. In May 2006, the Group of Experts carried out a second verification of arms connected with these same programmes of disarmament. A comparison with the verification conducted in November 2005 enabled the Group to identify arms which had previously been handed over to FARDC in the batch of arms recovered from the Forces démocratiques de libération du Rwanda (FDLR) through a disarmament programme. Although the information gathered on individuals and their arms and submitted to the various officers in charge of disarmament programmes is sufficiently accurate for the needs of the programmes concerned, it is not accurate enough to help the Group of Experts, the Government of the Democratic Republic of the Congo and international investigators in waging an effective fight against contraband and internal arms trafficking. The information gathered should be more exact and checks should be made in order to compare the list of recently seized arms with information that the authorities of the Democratic Republic of the Congo may possess.

- **Enquiry into the theft of FARDC ammunition in the Bunia region.** As stated in a MONUC report and confirmed by the Group with its focal point in FARDC and the Ministry of Defence, five cans containing ammunition were stolen from FARDC in the Bunia region. FARDC are currently making enquiries and an individual has been arrested and is still being held. The Group has requested the Ministry of Defence for an update of the enquiry results as soon as possible.

- **Non-sanctioned arms-recovery programmes.** Two specific cases of programmes not run by the Government of the Democratic Republic of the Congo, MONUC or the international community have been reported. In the first such programme, run by Pastor Malunda, bicycles are exchanged for arms returned in the Lubumbashi region. In the second programme, also run by a pastor, metal roofing for domestic use is exchanged for arms returned in the Goma region. These two unmonitored programmes are to be investigated further.

- **Arrest of a Burundi citizen.** According to sources, FARDC elements in Kavimvira in South Kivu arrested a Burundi national in possession of five firearms and 3,000 ammunition cartridges that he was carrying to Burundi for the Forces nationales de libération (FNL). The individual arrested admitted to having obtained the arms and ammunition in question from an FARDC officer. The Group met officials from the Ministry of Defence who confirmed this information and told the Group that an enquiry was under way. The Group has therefore requested the Ministry of Defence of the Democratic Republic of the Congo to provide it with a copy of the enquiry results.

C. Border contraband

31. In regard to border contraband, reports from MONUC and other organizations, corroborated by the enquiries conducted by the Group of Experts, show that arms are continuing to enter the country through ever-porous borders. The lack of border surveillance and the easy access to the Democratic Republic of the Congo in the Great Lakes region make it difficult to prevent entries and to intercept arms and military materiel.

32. By contrast, the improvements in surveillance at Congolese airports may gradually promote a reduction in the entry of arms by air.

D. Assistance provided to the Group of Experts by the Government of the Democratic Republic of the Congo

33. The Ministry of Defence and the Office of the Military Advisor to the Head of State each designated a focal point to assist the Group in its investigations. These designations made it easier for the Group to gather information.

34. Thanks to this assistance, the Group of Experts saw for itself the well-known shortcomings in the management of the inventories of arms and military materiel. To date, FARDC has no centralized database on the subject. Most of the data on arms and military materiel are still held by the regional military chiefs, who are slow to provide full inventories to the Etat Major Général. The verifications carried out by the Group in the FARDC regions and units also highlighted glaring failings in the latter's inventory management. No inventory register of arms and military materiel was submitted to the Group by any FARDC unit or region or by the Etat Major Général.

35. Owing to this demonstrated lack of inventory management ability, the FARDC Etat Major Général is unable to certify the number of arms held by FARDC or received through the various disarmament programmes. This situation is both disturbing and dangerous.

36. The lack of centralized information on the inventories has a detrimental impact on the provision of new supplies for the troops, since it is difficult for the Etat Major Général to meet the needs of its military personnel without knowing the type, number or calibre of arms that they use. This same situation also endangers the security of the international forces supporting FARDC, as well as the peoples whom they are mandated to protect.

37. These same failings in the inventories severely hamper the Group's work by making it impossible to compare information on suspicious transactions against precise inventories.

38. On a more positive note, the Group of Experts benefited from the collaboration of FARDC, as a result of which it was able to distinguish more easily between legal and illegal movements of arms and military materiel. The Ministry of Defence provided the Group with documents proving that certain donations and purchases of military materiel were acquired in conformity with resolutions 1533 (2004) and 1596 (2005).

39. In seeking access to these documents, the Group also sought to issue a reminder that any country, enterprise or individual having given or sold arms or military materiel to FARDC is required to notify such transactions to the Sanctions Committee and that the Democratic Republic of the Congo is required to notify MONUC.

E. Assistance provided to the Group of Experts by neighbouring countries

40. At the beginning of this mandate, the Group went to Uganda and Rwanda in order to obtain the information requested by letter.

41. In the case of Uganda, the Group was unfortunately not permitted by the government authorities to visit the arms and ammunition factory at Nakasongola, despite the repeated requests made by the Group in the context of earlier mandates.

42. Rwanda, on the other hand, showed its willingness to cooperate by allowing the Group to access and photograph arms, including their serial numbers, belonging to Mutebutsi combatants.

Cases studied

Failure to notify donations of arms from Angolan military personnel to the integrated seventh military brigade of FARDC. The Group was informed that the integrated seventh brigade of FARDC, located in the Kitona brassage centre, received arms and military materiel from the Angolan authorities. The Group met a representative of the Government of Angola who stated that his Government had effectively supplied arms and uniforms to this brigade. The Group reminded the representative of Angola of the obligation on all countries to notify the Sanctions Committee and MONUC, in accordance with resolutions 1533 (2004) and 1596 (2005), of any sale or donation of equipment to the Democratic Republic of the Congo. The Group of Experts is awaiting Angola's reply concerning the details of this donation.

F. Sampling programme throughout the Democratic Republic of the Congo

43. In collaboration with MONUC, the Group carried out a sampling of arms and ammunition throughout all regions of the Democratic Republic of the Congo. The results confirm the types of arms used in the conflict zones and their countries of manufacture, in which regard tracing requests have been made. The Group also intends to continue its visits to producing countries during the next mandate. Here again, the Group's work is considerably hampered by the lack of data centralization and arms marking.

44. Significant progress in ammunition identification has also been achieved. The Group is critical of the lack of ammunition marking, which helps to promote illegal trafficking. In this sampling initiative, MONUC provided the Group with much appreciated assistance.

45. Thanks to the collaboration of those in charge of the programmes for disarmament, demobilization and reintegration (DDR) and for disarmament, demobilization, reintegration and resettlement or repatriation (DDRRR), the Group obtained detailed information on the number of arms handed in by rebels, those provided to FARDC and those which have been destroyed.

G. Two important contacts

46. In a meeting with those in charge of the Structure militaire d'intégration (SMI) programme, it was ascertained that significant progress concerning integration had been made. It should be noted that FARDC need continuing support from the participating organizations in order to move their programme forward. The Democratic Republic of the Congo should also ensure the earliest possible start for the third phase of the FARDC integration plan involving the Republican Guard and units that are as yet unintegrated. The desertion of recently integrated soldiers and the fact that some of their arms end up in the hands of individuals or rebel groups are matters of ongoing concern to the Group of Experts.

47. The Group held a meeting with the UNDP officer in charge of the United Nations Programme of Action on Small Arms and Light Weapons. The Group firmly believes that this programme is an excellent means of significantly reducing violence in the country. The Group encourages the efforts of all those involved in the programme. The establishment of citizens' committees in the target towns and villages and the investment in social services in reward for disarmament efforts are both mainstays of the programme and conducive to a sense of security among the Congolese. The Group also believes that this development programme will greatly help to reduce violations of the arms embargo. Those in charge of this programme support the recommendations made by the Group in its last report concerning the improved management of inventories and the possession of small arms and light weapons.

H. Recommendations

48. **The Group continues to recommend that all arms held or imported by the Democratic Republic of the Congo, including those of the integrated FARDC brigades and those collected in the context of disarmament programmes, be separately registered and marked on the basis of a dedicated system for the Democratic Republic of the Congo that is supported by the international community.**

49. This rigorous approach towards registration and marking is consistent with the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. It also corresponds to one of the goals set by the Democratic Republic of the Congo Ministry of Foreign Affairs committee tasked with combating illicit trafficking in small arms and light weapons (Commission de lutte contre le trafic illicite des armes légères et de petit calibre). If this approach can be translated into practice, the Democratic Republic of the Congo could serve as a model for the entire region as far as effective implementation of the above United Nations Programme of Action is concerned.

Armed Forces of the Democratic Republic of the Congo

50. **The Group recommends that the international community should support FARDC in establishing an accurate database on their military materiel, in particular their arms. The military personnel responsible for inventories should receive the training and tools needed to enhance the performance of their task. The military personnel responsible for these databases will be held accountable for any loss or theft that occurs.**

Disarmament programmes

51. **The Group also recommends the prompt establishment of teams responsible for the identification and accurate inventory of arms found in the conflict zones.**

III. Forces démocratiques de libération du Rwanda

52. In spite of declarations made by some FDLR leaders concerning an imminent return to Rwanda, there has been a continued reluctance on behalf of FDLR to join the disarmament, demobilization, repatriation, resettlement or reintegration process en masse. The effects of ongoing FDLR operations, attacks and occupation of the territory of the Democratic Republic of the Congo remain disastrous for the security of the civilian population.

53. During this mandate, the Group has begun to concentrate on violations of both the arms embargo and Security Council resolution 1649 (2005) by FDLR. To that end, the Group has worked with regional and international stakeholders in order to improve its information-gathering on FDLR structures. This is an ongoing investigation that will continue under future mandates of the Group.

54. In order to propose individuals or entities to the Sanctions Committee for listing, the Group of Experts is obliged to independently build a case that meets high evidentiary standards in order to prove a violation of a United Nations resolution. Assistance from other stakeholders in the collection of evidence is most useful to the work of the Group.

55. Following the arrest and subsequent release on bail of the President of FDLR, Dr. Ignace Murwanashyaka, the Group travelled to Germany in May 2006 to conduct an interview with him. Dr. Murwanashyaka, in the presence of his two lawyers, was unwilling to give precise information on assistance received aiding his travel conducted in violation of Security Council resolution 1596 (2005).

Recommendation

56. **The Group observes that although some individual members of FDLR have been listed by the Security Council as subject to financial and travel sanctions, FDLR organizations have not. It would be advantageous to peace and security in the region if FDLR organizations were listed as sanctionable entities and if membership in those organizations were to lead to automatic financial sanctions and travel bans.**

IV. Civil aviation

A. Overview

57. In regard to civil aviation, the fundamental objective of the Group of Experts remains that of identifying flights suspected of involvement in the illicit transport of arms and ammunition. From the investigations conducted during its previous mandates, the Group realized that it would have difficulty in gaining access to an aircraft engaged in illicit arms transport, since it had no continual presence on the ground and was unable to enter certain areas for security reasons. It therefore focused its efforts on identifying transport operators involved in the illicit air transport of arms and ammunition and on understanding the workings of such transport in order to make recommendations aimed at curbing violations of the embargo.

58. For a very short period only owing to time constraints, the Group also pursued its enquiries on the ground in order to assess compliance with the provisions contained in Security Council resolutions 1596 (2005), 1616 (2005) and 1654 (2006).

B. Identification of suspicious flights

59. It transpires from the Group's previous reports that, since the establishment of the embargo in the Democratic Republic of the Congo, air transport is the main conduit for arms and ammunition in the Great Lakes countries. In order to contain violations of the embargo, particular attention must be devoted to this conduit.

60. Such traffic generally involves private airlines operating in an area characterized by:

- An armed rebel movement that undermines the power of the State and occupies part of the territory;
- The covetousness of other States over the natural resources of the Democratic Republic of the Congo;
- The inability of the Democratic Republic of the Congo to strengthen its authority over its territory and control its airspace;
- The significant contribution of airline companies to the economic development of a country with inadequate transport structures.

61. In this context, the Group of Experts is continuing its investigations with a view to identifying all transport operators which, at one time or another, are likely to have made shipments of arms and ammunition to the Great Lakes region or in order to feed conflicts within the Democratic Republic of the Congo.

1. Identification of transport operators

62. The Group of Experts had already identified transport operators having made arms shipments to the Great Lakes region during 2004 and 2005. It is now seeking to identify transport operators having broken the arms embargo.

63. To that end, the Group transmitted requests for further information to the civil aviation administrations in various countries, notably the Russian Federation, Bulgaria and Bosnia and Herzegovina, from which companies had ferried arms to African Great Lake countries. The aim of such information is to piece together the chain of ownership of the aircraft used in order to identify the true owners and determine the legality of use (company name, clientele, history, cargoes carried, proper permissions for such transport, etc.).

64. In order to reconstruct flights of aircraft involved in transporting arms and ammunition in the Great Lakes countries, the Group of Experts also requested information from providers of services, in particular:

(a) Baseops International, a firm that assists airlines with flight preparation and provides supplies for their aircraft. The Group requested this firm to provide flight plans with which it had assisted in the case of aircraft travelling to or from any Great Lakes country. This enterprise refused to provide the information requested on the grounds of client confidentiality. The Group continues to believe that the information requested is vital to the proper conduct of its investigations and intends to seek the intervention of the United States Government with a view to improving the cooperation of Baseops with the Group;

(b) The European Organization for the Safety of Air Navigation (Eurocontrol), for the purpose of obtaining logs for traffic travelling from European air space into African air space, particularly that of the Great Lakes countries. Bearing in mind the difficulties which it experienced with its member States, all information requests made to Eurocontrol should henceforth be addressed to those States.

65. The Group wrote to the civil aviation authorities in Egypt, which has a number of airports that are favoured transit points.

66. The Group of Experts also visited such organizations as:

(a) The Agence pour la Sécurité de la Navigation Aérienne en Afrique et a Madagascar (ASECNA), an air-traffic service agency in Dakar, also for the purpose of obtaining logs of African air-space traffic supplied by 16 West and Central African States, some of which border the Great Lakes countries, as well as by Madagascar;

(b) The Western and Central African (WACAF) Office of the International Civil Aviation Organization (ICAO) in Dakar and the centre responsible for, inter alia, conducting safety oversight audits in the Great Lakes countries.

67. It then visited the Libyan Arab Jamahiriya, since Tripoli and Benghazi are also favoured transit points for aircraft carrying arms and ammunition, particularly to the Great Lakes countries.

68. While in Paris, the Group of Experts learned of the French initiative to promote partnership in the fight against arms trafficking by air through strengthened monitoring of the activities of suspicious companies and aircraft.

69. Lastly, as a side mission, the Group was invited by ICAO to participate in the Directors General of Civil Aviation Conference, held in Montreal (Canada) from 20 to 22 March 2006 at ICAO headquarters. Concerned by the fresh wave of air accidents in 2005, ICAO organized this Conference for the purpose of building a

consensus on improving aviation safety through coordinated action by all Contracting States, ICAO and the aviation industry. The series of major accidents having taken place throughout the world in general and in the Democratic Republic of the Congo in particular served as a clear reminder that systemic safety deficiencies needed to be addressed in a global effort by all parties concerned. The Conference therefore had the task of formulating recommendations after each conclusion had been drawn. In those conclusions and recommendations, special attention was devoted to wider cooperation among States.

2. Air transport of arms and ammunition

The transport operator

70. The Group of Experts specifically focused its investigations on operators involved in transporting arms from Eastern Europe, bearing in mind that such arms may have been used to equip rebel groups in the Democratic Republic of the Congo. The transport operators identified by the Group had ferried arms acquired through regular official orders placed by one or more of the countries in the Great Lakes region. Even where the apparent activity of such transport operators did not, a priori, violate the provisions of the embargo, no possibilities were excluded by the Group, which took an interest in cases involving the transport of arms that could be potential sources for armed groups in the Democratic Republic of the Congo.

71. The Group of Experts noted that these transport operators are generally companies which charter aircraft through leases or charter contracts concluded with the owners of freight companies or air-cargo agencies.

72. The Group began by checking whether the arms identified had been transported in compliance with international standards for the transport of dangerous materials (required permissions, proper aircraft documents, procedures completed, itineraries followed, etc.) in order to acquire some idea of how this activity is controlled by transport operators and States.

73. As outlined below, the Group had difficulty in obtaining from some transport operators the information needed for verification purposes.

(a) Silverback Cargo Freighters, a Rwandan air-cargo company, used its DC8-62, registration number 9XR-SD, in two flights numbered VRB 402 from Burgas (Bulgaria) to Kigali (Rwanda), on 1 and 2 July 2004, to carry ammunition corresponding to class 1.4S.N0012, an international classification for small arms and ammunition. This company Silverback is an example of the type of cargo company operating in this line of business. It undertook this flight for the Ministry of Defence of Rwanda. The supplier was Emco Ltd., a Bulgarian arms-brokering firm based in Sofia. The company was assisted by a Bulgarian company named Aviostart and the crew was from Silverback. The route flown was Burgas-Luxor (Egypt)-Kigali. During its investigations, the Group unfortunately did not have the benefit of cooperation from Silverback. On 30 October 2005, Innocent Mupenzi, director-general of Silverback Cargo Freighters, in the presence of Richard Mugisha, company secretary, promised that, given time, he would provide the Group with all the documents required to prove that the company was properly authorized to transport dangerous goods. He has been evading the Group ever since. The Rwandan Government did not wish to act as a facilitator between this company and the Group. It should also be noted that Mr. Mupenzi stated to the Group of Experts

during the same meeting that his company had transported military materiel from Bulgaria for the Ministry of Defence, but no arms. This statement is contradicted by the commercial agreement which the Group has in its possession.

(b) Kosmas Air, a Serbian freight company, also carried in a single flight of its aircraft IL76, registration number YU-AMI, on 9 November 2004, under flight number KMG151, 43,500 kg (including 12,000 kg from Tuzla) of class 1.4S.N0012 arms and ammunition from Tuzla and Burgas (Bulgaria) to Kigali (Rwanda) for the Rwandan Ministry of Defence. The suppliers were Yugoimport in Tuzla and Emco Ltd. in Sofia. The company was assisted by a Bulgarian company known as Bright Aviation Services Ltd. The crew was from Kosmas Air. Kosmas Air had wanted to make this shipment using two IL76 cargo aircraft, (Russian) registration numbers UN76499 and UN76485, leased to a company from Kazakhstan, JSC Aircompany Euro-Asia Air, based in Aturay (Kazakhstan), on the Burgas-Cairo-Kigali route. It should be noted that YU-AMI was mentioned in the context of the illicit transport of arms to Liberia. The company nevertheless provided documents on other arms-transport activities that it has carried out.

(c) Reem Air Airlines, a Kyrgyz airline company specializing in cargo, was chartered by Vega Airlines Ltd., a Bulgarian air-cargo company based in Sofia, on behalf of Emco Ltd., an arms manufacturer and broker selling arms and ammunition out of Sofia, in order to transport, from 30 April to 2 May 2005, 45 tons of ammunition (class 1.4S.UN0012) from Burgas to Kigali, which is an example of the type of charter. Belonging to Reem Air, the aircraft used are IL76, registration numbers EX-039, EX-054 and EX-049.

74. The Group continues to take an interest in other flights involving the transport of arms to other countries in the Great Lakes region, including the Democratic Republic of the Congo.

75. In all of the above-mentioned cases, the flight personnel are engaged in connection with the operation of the company. Permissions to fly over countries while transporting goods are required. The forms for requesting permission to fly over and subsequently land in certain countries do not require any detailed statements concerning the nature of the cargo on board the aircraft.

76. Detailed flight and route plans are made in order to ensure compliance and airport charges on all facilities used during various operations are payable, whence the need for assistance contracts with handling companies specializing in this area. Baseops, which is generally engaged in this business, could have helped the Group to better define the various aspects of this type of transport.

77. Where arms transactions are concerned, the transport operator comprises all actors responsible for the organization and management of a network of individuals and companies involved in this form of transport.

78. As for the dealings among these actors, the Group deplores the fact that important links in the chain — Baseops International — were unwilling to cooperate with a view to shedding full light on their transactions.

79. As discovered by the Group, the aircraft used to transport arms to Africa generally flew routes from Benghazi to Tripoli, Larnaka in Cyprus, Cairo or Luxor in Egypt or Khartoum. The aircraft then continued towards the Great Lakes region and vice versa. Consequently, they never flew directly to their destination,

preferring routes that involved a number of landings and refuellings, simply in order to "confuse the issue".

Techniques and strategies employed by air-transport operators

80. In its previous reports, the Group stated that the conflict zones were not easily accessible by land or sea. The conflict situation and the attendant lack of State authority in the areas concerned have encouraged transport operators and their network of intermediaries to create networks of transport companies, increase their presence and improve their know-how concerning these geographical markets for illicit arms or raw materials.

81. Owing to the lack of State authority in these regions, arms suppliers have been able to exploit the situation. In fact, air companies need only to back the cause of the armed groups to be permitted to engage in all manner of trafficking (arms and also raw materials). Accordingly, the Compagnie aérienne des Grands Lacs (CAGL) and the Great Lakes Business Company (GLBC), which reputedly worked with militias at some point, have been reported by the Group of Experts and placed on the Security Council sanctions list, while Walikali airfield also experienced an increase in air traffic on account of the transport of cassiterite by the illegal companies that often use this airfield, including Butembo Airlines, Aigle and CAGL. The same is true in the case of Manono airfield in Katanga, where, moreover, at approximately 1300 hours on 6 May 2006, an unknown C-130 aircraft attempted to land but flew off when it reached 100 metres above the landing strip. Neither MONUC observers nor the local FARDC authorities were informed of the movement of this aircraft. Furthermore, the pilot failed to comply with the requirement to make contact with the Manono control tower on the VHF ICOM.

82. Recommended international aviation standards and practices are thus ignored by these aviation operators and air transport is not very safe as a result.

83. In the context described above, a number of techniques used by transport operators can be singled out:

Flight itineraries

84. According to MONUC, on 15 May 2006, Lufthansa flight number CL640 unexpectedly landed at Kisangani en route from Dubai. Unknown to the airport security authorities, it took off at 0713 hours to continue on its way to Luanda. This case is a good illustration of the fact that, in order to conceal flight plans, itineraries and destinations, transport operators resort to unscheduled or emergency landings with the aim of loading or offloading goods.

85. The Group is seeking to ascertain whether other techniques include relay flights through which goods are discharged at a given point and then dispatched to their final destination on another aircraft or by another mode of transport. Traffic destined for Mwanza (United Republic of Tanzania), a frequent transit point for all such aircraft, has been of particular interest to the Group. The Group noted that small companies leave from this airport for non-customs airfields in the Democratic Republic of the Congo. A particular instance is Butembo Airlines, known for its militia connections during the times of heavy conflict but above all for its collusion with the gold traffickers who are targeted for sanctions and are regular users of the Butembo-Mwanza-Butembo connection. Kilwa Air, another small Tanzanian

company based in Mwanza, attracted the Group's attention due to its regular direct flights to Doko or Mongbwalu, both non-customs airfields in the Democratic Republic of the Congo, from either Mwanza or Entebbe. The proximity of Lake Tanganyika, from which Burundi and the Democratic Republic of the Congo are accessible, also provides an appropriate opportunity for all manner of illegal activities.

86. The greater the number of trans-shipment points and aircraft, the greater the possibility of obscuring the dispatch and final destination of arms shipments, all of which complicates the task of identifying and tracing suspicious shipments and the actors involved.

87. Further complications in the matter of arms-shipment itineraries are the use of several false registration numbers, lack of compliance and the failure of airport or customs authorities to check flight details. The Group provided evidence of such practices during its previous mandates. Airports in the Democratic Republic of the Congo, particularly in the eastern part, are still staffed by personnel who are unqualified to perform checks on behalf of the civil aviation and customs authorities.

88. These practices unquestionably contravene national and international regulations. They are frequently aided by the lack of information exchange concerning international air movements and by poor regulatory mechanisms, including air-traffic control systems. Given the lack of communication and the often deliberate silence between adjacent centres run by bordering States that were former parties to various conflicts, it is impossible to detect all aircraft movements in the conflict zones. Such is the situation in the district of Ituri, where aircraft movements occur without any inter-centre flight coordination and without local control owing to the lack of resources of Régie des voies aériennes (RVA). The Group noted that there is no coordination between the centres of Entebbe and Kinshasa or between those of Bujumbura and Kinshasa.

Documentation for goods and transport

89. The transport operators involved in illicit arms transfers exploit the flaws in the cargo inspection and monitoring mechanisms by falsifying transport documents and breaking the laws and rules pursuant to which cargo manifests and air waybills are required to contain accurate descriptions of a shipment's content and identify the sender and the recipient. An examination of air waybills for Kilwa Air, Ruwenzori Airways and Butembo Airlines shows that goods are only briefly described (boxes, personal effects, jute sacks, etc.).

90. As far as arms transport is concerned, in no case did the Group succeed in obtaining a copy of a written notification to a pilot-in-command of the transport of dangerous materials, as stipulated in annex 18 of the Convention on International Civil Aviation concerning the safe transport of dangerous goods by air, paragraph 9.1 of which states that, as soon as possible before departure, the pilot-in-command must be informed in writing of the transport of dangerous goods.

Aircraft registration

91. Another common practice is the falsification of aircraft registration or the entry of one aircraft in various registers so that the operators may change its identity

as they please. The Group recalls that an AN28 travelling from Dubai (United Arab Emirates) to Bukavu in Kivu via Entebbe and Kigali had been grounded at Kigali by the Rwandan civil aviation authorities because it was using two different registration numbers (9Q-CES and EX-28811) and flying with falsified documents. The Group had the opportunity to take a close look at this aircraft, which had its registration number stuck onto the cabin, and also managed to obtain a copy of the flight documents. The Group believes that there is good reason to check all UN (Russian Federation), ER (Ukraine) and EX (Kyrgyzstan) registration numbers found in the Democratic Republic of the Congo in order to ascertain whether the aircraft bearing those numbers have been removed from the registers of the countries concerned. The Group thus proposes that all foreign aircraft in the Democratic Republic of the Congo should be listed and that the countries concerned should be requested to verify the nationality of such aircraft.

92. It was also noted that other aircraft fly under entirely fictitious operating licences that have long ago expired or been cancelled, as in the case of Ruwenzori Airways noted by the Group during its last mandate.

93. In short, these techniques allow transport operators to fake an aircraft's history and identity, as a result of which it is extremely difficult in the case of any such aircraft to recreate its journey or trace it back to the original owner.

94. Several airfreight companies that transport arms and other potentially illicit shipments are registered in countries which act as "flags of convenience" owing to the lax application, or indeed inexistence, of laws regulating the licensing and registering of aircraft, as well as the activities of companies and the publishing of their accounts. The Group noted that the aircraft with registration numbers 9L, 3C and 9S fall into this category.

95. While these companies and their aircraft are registered in these countries, their actual operational bases are located in one or more countries in the Great Lakes region. This is the case of Air Navette, which has an agency in Kampala and its headquarters in Kisangani. These aircraft are registered in Equatorial Guinea (3C). The Group met the owner of the company in Kampala. He admitted that this practice is just a convenience that he exploits.

96. In the same way, a cargo plane can be registered in one country and then hired and chartered by companies registered in another, with the crew being recruited elsewhere again. Such is the case of Kilwa Air, which the Group visited in Mwanza. Kilwa Air is registered in the United Republic of Tanzania. It uses South African aircraft, which are chartered by Anglogold Ashanti or Moto Goldmines to transport cargo between the Democratic Republic of the Congo and Mwanza or Entebbe.

97. Moreover, for practical reasons the aircraft may be kept and based in another country, while the airline's and the handling agency's main operational headquarters are located elsewhere again, in one or more other States. Lufthansa Cargo's Antonov 8, registration number S9-DBC (Sao Tome and Principe), operates in Goma but is kept in Nairobi, Kenya.

Flying techniques

98. In order to avoid detection by State-run air traffic services or their equivalents (MONUC, for example), the pilots of suspect cargo planes use various flying techniques. Thus, they make landings on makeshift landing strips or drop their cargo

over zones held by rebels and then continue their flight. There are continual reports, albeit unverified, that in Ituri district, where militia elements still live, aircraft make drops if they do not land on makeshift landing strips. An aircraft is reported to have flown several times over Kagaba, central Ituri, about a month ago. According to one source, the aircraft dropped its cargo over the zone held by Peter Karim's militiamen. According to another source, the aircraft came under fire from the same militiamen before flying away. There have also been reported arms and ammunition drops near Mongbwalu and Fataki.

99. Unlike lawful commercial flights, which are required to respect aircraft-specific operating manuals to the letter, pilots specializing in arms trafficking often push the safety limits of their aircraft to breaking point.

100. Pilots transporting arms shipments evade surveillance of their activity by deliberately making detours and changing their altitude. In high-risk zones, flights may even take place at night.

101. All this information, whether verified or not, highlights the lack of airspace monitoring, which allows aircraft to be used with total impunity for all these unlawful acts.

C. Recommendations

102. The struggle against arms smuggling is a global security issue which is part of strengthening aviation safety. As such, it must be part of a comprehensive strategy.

103. ICAO has already set the tone, as indicated above.

104. France, with its initiative on the issue, is moving in the same direction and, to that end, even intends to take the matter to the highest international bodies.

105. Given this clearly expressed heightening of awareness and in the light of its own investigations, the Group considers it appropriate to submit the following recommendations to the Committee:

(a) **The international community, if it has not yet done so, must declare that the illicit transportation of arms by air is an offence and decide that it should be combated as such;**

(b) **With the help of States, the international community must identify all airlines that are authorized to transport arms as well as approved arms brokers and keep this list up to date;**

(c) **The international community must also keep a list of the companies suspected of arms smuggling and circulate it among all States;**

(d) **States which have not yet done so must ensure that their legislation includes provisions to suppress the smuggling of arms and ammunition, in general, and by aircraft, in particular;**

(e) **States must exchange information among themselves on the airlines and brokers listed;**

(f) **All States which have not yet done so must ensure that requests by airlines for authorization to fly over or land in their territory specify what is being transported;**

(g) **The failure to notify captains, in writing, that dangerous goods are being transported must be considered by all States as an offence and punished as such;**

(h) **States must organize training and awareness-raising activities at the national and regional levels for those people responsible for combating the illicit transportation of arms by air.**

D. Response by States to the measures contained in Security Council resolutions 1596 (2005), 1616 (2005) and 1654 (2006)

106. The Group of Experts visited the Democratic Republic of the Congo, Uganda and Rwanda to inquire about the status of implementation of the provisions contained in resolution 1596 (2005).

1. Democratic Republic of the Congo

107. In the Democratic Republic of the Congo, meetings focused on the situation as regards civil aviation and the efforts that the country must deploy to remedy all the shortcomings identified, i.e. the lack of monitoring of airspace and civil aviation safety oversight, as well as the areas in which the international community could assist it.

108. The lack of airspace monitoring is attributable to the air traffic control system. This system is based on the concept commonly known as communications, navigation, and surveillance and air-traffic management (CNS/ATM) of ICAO.[1]

109. The Democratic Republic of the Congo is in the process of integrating the various aspects of the CNS/ATM concept in order to make air traffic within its airspace safer.

110. In the area of communications, the project launched with Aeronav-Canada is working to provide VHF coverage for the entire airspace of the Democratic Republic of the Congo. This project will be completed by August of this year. After that, aircraft will be able to make radio contact with one of the three centres in Kinshasa, Kisangani or Lubumbashi from anywhere in the country.

111. In the area of navigation, the same Aeronav-Canada project aims to equip the Democratic Republic of the Congo's main platforms with VHF radio navigation aids associated with distance measuring equipment (VOR/DME). Global Navigation

[1] Contact with aircraft and contact with centres on the ground are both part of the concept of communications. The first aims to give information and instructions to aircraft in order to monitor them and avoid collisions. The second aims to announce and coordinate flights among centres.
Navigation equipment provides aircraft with information (whether by means of radio navigation or inertial navigation) to enable them to follow their route. Such equipment, which can be ground-based or airborne, provides aircraft with information on their immediate position in order to help them follow a given route.
Visual displays allow traffic to be monitored and airspace to be used efficiently. This is possible through radar, Automatic Dependant Surveillance (ADS) or representation of memory.
Air traffic management encompasses airspace management and traffic flow management. It requires a proper division of airspace and qualified personnel to control air traffic.

Satellite System (GNSS) procedures have already been set up on these platforms, with the assistance of MONUC.

112. Airspace monitoring remains insufficient. To improve such monitoring, donors have reportedly been asked to provide funding to equip the country with radars. In the area of ATM, Congolese airspace is subdivided into three sectors: Kinshasa, Kisangani and Lubumbashi.

113. There is still a need to ensure that a sufficient number of qualified staff is trained. In this area too, development partners have been approached about providing fellowships to address the current lack of qualified staff.

114. The Group also observed that there has been no significant progress in the area of civil aviation safety oversight; quite the contrary. Oversight of operations remains non-existent. The situation has become even more worrying since, in a move intended to regularize their activities, operating licences were granted to all the airlines operating illegally in the east of the Democratic Republic of the Congo in the service of armed militias and with total disregard for the recommended norms and practices of ICAO. The Congolese Government's intention with this measure was to subject such airlines to national regulations and, therefore, to the authority of the State. Unfortunately, these airlines continue to act with total disregard for international, and now national, norms. They are even operating legally in such areas as trafficking in raw materials.

115. The European Union ban on such airlines has had no effect on the State's behaviour towards them or on their operations.

116. Following the ban, the African Union, being aware of aviation's role in the economic development of the continent, did not hesitate to convene a meeting of African civil aviation ministers in Libreville in an attempt to find a solution that would guarantee a safe African airspace.

117. Aviation accidents continue to plague the Democratic Republic of the Congo (see annex II).

118. Airlines also continue to fly with total impunity without an operating licence. This is the case of Rwenzory Airways, which used to operate out of Bunia but had its operating licence revoked following an accident involving its PA32, registration number 5Y-BPV, on 2 January 2006. The aircraft was 75 km from Bunia and flying in the direction of Aru at the time of the accident.

119. Lastly, the Democratic Republic of the Congo has not yet responded to the decision to subject Mr. Douglas Mpamo to sanctions. Mr. Mpamo himself has just provided the Group with proof that he owns the Great Lakes Business Company (GLBC) aircraft. The aircraft belonging to this airline must be grounded immediately.

2. Uganda

120. In the area of civil aviation, the Group's main needs relate to the air traffic records for Entebbe's commercial airport, the visit to the military airport of departure at the beginning of the Group's mandate in 2004, of all the flights suspected of colluding with Congolese militiamen from Ituri and the two Kivus, and copies of the flight plans of aircraft suspected of leaving Entebbe for non-customs airfields in the Democratic Republic of the Congo and which Uganda is challenging.

The Ugandan side promised to provide the Group with these documents at the meeting held on 24 October 2005 (see paras. 6.4 and 6.5 of the minutes of the meeting, which were drawn up by the Ugandan side). The Group's continual requests for information to the Ugandan side continue to go unheeded.

121. Despite this lack of cooperation by Uganda, the Group's investigations enabled it to obtain copies of the flight plans concerned by other means. It is clearly stated on these copies that these aircraft did indeed leave Entebbe for a non-customs airfield in the Democratic Republic of the Congo, as confirmed by the stamp of the runway office at Entebbe airport.

3. Rwanda

122. All the Group's attempts to make contact with officials from the private airfreight company Silverback Cargo Freighters were in vain.

V. Financing of arms embargo violations

A. Diversions of natural resources for funding embargo violations

123. In its last report (S/2006/53), the Group presented extensive evidence proving the linkage between the mismanagement of mineral concessions and diversions of natural resources for the financing of arms-embargo violations. During this mandate, the Group investigated the consequences of weak due diligence procedures and other shortcomings observed in the administration of the Ministry of Mines, the Mining Cadastre and the General Secretariat for Hydrocarbons of the Ministry of Energy.

124. These malfunctions, due to transitional stresses, inexperience with a system of transparent and accountable administrative procedures, the influence of vestiges of war-driven elites and the result of complex political arrangements that made the transition from war to peace possible, are, in most cases, not the fault of civil servants. For example, an encouraging testament to responsible public governance is the administrative decision from January 2006 to temporarily close down the Mining Cadastre from accepting new applications until the elections are over. This step isolated many civil servants from the inevitable corrupting pressures that increase during times of transition of power.

125. Nevertheless, system-wide weaknesses that require improvements include:

(a) The relevant branches of the Government of the Democratic Republic of the Congo have insufficient capacity to conduct due diligence of corporations and their investors who would like to negotiate natural resource concessions. The Group of Experts found evidence that exploration and exploitation rights are negotiated with, and have been granted to, individuals who do not comply with the stipulations of the Mining Code;

(b) Under the various Governments since independence, as well as the administration of the transition Government and of the various illegal armed organizations, concessions rights were granted without properly revoking those issued by previous leaders. This has led to multiple ownership claims, which cause

complex legal battles and vacuums in which rebel groups prosper (see S/2006/53, chap. IV, sect. C);

(c) As a result of the above two failings, the integrity of the natural resources export industry of the Democratic Republic of the Congo is dangerously impaired. The lack of proper ownership controls over many mining sites permits the illegal exportation and trading of natural resources at a great loss to the country's workforce and overall economy. The Group of Experts cannot exclude that some of this trade is funding illegal arms acquisitions or that they might serve as financial sources for political campaigning in the upcoming elections.

1. Sanjivan Ruprah

126. The Group of Experts has conclusive evidence that during the past two years Mr. Sanjivan Ruprah sought concession rights for gold and petroleum deposits in the Democratic Republic of the Congo. Mr. Ruprah is already under financial sanctions and travel ban imposed upon him by the Security Council in connection with the Liberia sanction regime adopted in March 2004. For his current endeavour, Mr. Ruprah successfully enlisted the services of his Congolese-Belgian wife, Sandra Rose Houthoofd, Congolese, European and Canadian business partners and even a publicly listed company, Mart Resources Inc. For at least one official document that was prepared by an agency of the Government of the Democratic Republic of the Congo, he evaded proper identification by providing the authors with the alias S. Patel.

127. Sanjivan Ruprah's earliest attempt to gain concession rights in the Democratic Republic of the Congo date back to the years 1996 to 1998 when he tried to amass one of the largest natural resource portfolios consisting of a very large petroleum and gas concession, as well as diamond, gold, and platinum mines.[2] To what extent he succeeded is uncertain but it is documented that he was able to sell Collier Ventures, one of his corporations that attempted to obtain petroleum rights in the Democratic Republic of the Congo, to the publicly listed company Mart Resources Inc. (listed on the Toronto stock exchange). The acquisition price of $1 million was paid in three million common shares, which made Ruprah and his then-partner Pravin Khatau substantial shareholders of Mart Resources Inc.

128. For his more recent ventures, Sanjivan Ruprah utilized a company by the name of Petroco Africa Ltd., which, according to its own literature was set up in the United Kingdom in 2003. Petroco also maintains offices in South Africa and registered as Petroco DRC Limited in the British Virgin Islands on 12 July 2005. The sole shareholder of Petroco DRC Limited is Sandra Rose Houthoofd, Mr. Ruprah's wife. Based on this arrangement, Mr. Ruprah and his wife proceeded to apply for petroleum and gas concessions as follows:

[2] Among companies Mr. Ruprah created for these purposes are: Sapora Holdings Limited, registered in the Bahamas, Littlerock Mining Inc., Tenfield Holdings Inc., and Collier Ventures.

Date	*Corporation*	*Exploration permits for*
27 May 2004	Petroco Africa Ltd.	Block 3 and 4 of Tanganyika
27 May 2004	Petroco Africa Ltd.	Block Mavuma
1 September 2005	Petroco DRC Ltd. and Mart Resources Inc.	Block Rendus
24 November 2005	Petroco Africa Ltd. and Mart Resources Inc.	Block Yema, Lotshi, Matamba-Makanzi
1 December 2005	Petroco DRC Ltd. and Mart Resources Inc.	Block Nganzi

129. In the pursuit of these concessions, Sanjivan Ruprah, Sandra Houthoofd and Petroco received the following payments:

Date	*Payer*	*Payee*	*Amount (United States dollars)*
18 May 2005	Mart Resources Inc.	Sandra Houthoofd	200 000.00
5 July 2005	Mart Resources Inc.	Sandra Houthoofd	31 788.00
26 August 2005	Mart Resources Inc.	Sandra Houthoofd	12 500.00
30 September 2005	Mart Resources Inc.	Sandra Houthoofd	99 988.00
14 December 2005	Mart Resources Inc.	Sandra Houthoofd	80 000.00
Total	**Mart Resources Inc.**	**Sandra Houthoofd**	**424 276.00**

130. According to officials of the Ministry of Energy of the Democratic Republic of the Congo, which also administers the hydrocarbon concessions, they were not aware that Mr. Ruprah was already under United Nations financial sanctions. Despite this lack of information, to date no hydrocarbon concession rights have been granted to Petroco, Mrs. Houthoofd, Mr. Ruprah, or Mart Resources Inc. because no filing fees have been paid. The Group of Experts intends to further investigate these relationships, in particular since these activities may relate to embargo violations.

2. Concession rights held by individuals of unknown or questionable standing

131. Currently the Mining Cadastre of the Democratic Republic of the Congo lists 2,144 mining and quarrying concessions. An undetermined number appears to be held by concessionaires affiliated with investors whose personal and professional integrity is doubtful. This lack of transparency provides hiding places for sanctioned individuals, financiers of embargo violators and for other individuals who simply do not meet the standards of the Code Minier.

132. The following samples illustrate the consequences of insufficient due diligence procedures:

Concessionaire	*Concession No.*	*Due diligence failure*
Central African Mining and Exploration Company	1590-1605	Billy Rautenbach is a major shareholder of the Central African Mining and Exploration Company. He is wanted by the authorities of South Africa for fraud and theft.
Boss Mining	467, 469	Billy Rautenbach is a major shareholder through the venture partner Ridgepoint Overseas Development Ltd. He is wanted by the authorities of South Africa for fraud and theft.
Ruashi Mining	627, 578, 72	Niko Shefer, ex-convict and currently indicted by the authorities of South Africa, is the controlling shareholder of Ruashi Mining.

133. Responding to insufficient due diligence practices of the previous administrators, the new management of the Mining Cadastre has initiated a programme to properly identify all beneficiaries of concession agreements. Due to insufficient capacity and non-cooperation of many concessionaires, who prefer to conceal their identity behind corporate entities, the Mining Cadastre so far has revised only incomplete concessionaire lists and only for the Provinces of Katanga and Kasaï Oriental. Improvements in the listing of concessions of the remaining nine provinces have not yet started.

134. While this exercise of heightened transparency is highly commendable, the criteria for identifying investors should be refined. For example, companies with a large number of shareholders should disclose the identities of senior management and their principal shareholders. Congolese parastatal companies such as Gecamines, MIBA and OKIMO should identify for each concession area its joint-venture partners (for the provinces of Katanga and Kasaï Oriental showing of concessionaires who so far have not identified investors, see annex III).

3. Concessions with contested ownership

135. The World Bank, which has been the lead agency among the multilateral organizations in the rebuilding of the mining sector of the Democratic Republic of the Congo, has attempted to support the solution to the problems arising from contested ownership. For that purpose, the Bank has committed $150,000 for a three-month mandate of an evaluation commission. This body is composed of 15 members, all Congolese jurists, who were appointed on 14 September 2005. To date, eight months after the appointments, the Commission has not yet commenced its work. In addition to required additional funding by the Transitional Government of the Democratic Republic of the Congo, the Commission lacks support from the Ministry of Mines.

136. While the Mining Cadastre has prepared the required documentation for 40 contested concessions (see annex III), the Minister of Mines has so far referred only

four cases to the Chairman of the Commission, Mr. Gérard Balanda Mikuin Leliel. The Group is attempting to learn from the Minister of Mines the reasons for the delay in the transferral of the remaining 36 cases.

4. Compromised integrity of the exports of natural resources by the Democratic Republic of the Congo

137. Various shortcomings in production and in administrative procedures render the natural resource exports of the Democratic Republic of the Congo in a state of disrepair. Traders, buyers and end-users alike cannot be certain that consignments are offered by legal vendors. Nor can they be assured that the acquisition of precious minerals, timber and other natural resources from the country is not indirectly enriching violators of the arms embargo.

138. The Group of Experts has investigated the case of Mr. André Nzomono Balenda, domiciled in Denmark, who is offering for sale on the Internet pyrochlor, gold, coltan, diamonds and zirconium. In a more detailed offering that includes a proforma sales contract, the origin of the pyrochlor is identified to be the Democratic Republic of the Congo, and, in further correspondence, Mr. Balenda specified North Kivu as the source location.

139. It was further revealed that Mr. Balenda is a sales agent, but that the actual seller is a Mr. Pascal Zagabe Rukeba, residing outside Brussels. In order to facilitate the sale of pyrochlor, Mr. Rukeba transported a sample of pyrochlor from the Democratic Republic of the Congo to Belgium ready for inspection by potential buyers. Once this sample was confirmed to have arrived in Belgium, the Group of Experts requested the authorities of Belgium to assist in determining whether Mr. Balenda and Mr. Rukeba are legally selling pyrochlor.

140. As a result of the contested concession rights for the only pryochlor mine in the Democratic Republic of the Congo, neither the German owner, Gesellschaft für Elektrometallurgie, nor the Austrian owner, Krall Metals Congo (Edith Krall Consulting), appears to be in a position to produce or to export pyrochlor. Neither company has been able in the past 10 years to deploy a legitimate management at the Lueshe mine. Since December 2005, the Group of Experts has received repeated reports about rebel groups associated with Laurent Nkunda that are based at this concession. This fact was again confirmed by the Group of Experts during its current mandate.

141. Both, Gesellschaft für Elektrometallurgie and Krall Metals Congo have confirmed to the Group that neither Mr. Balenda nor Mr. Rukeba or his company, Kimicom, had been authorized by them to export or sell pyrochlor from the Luesche mine. Neither of the two companies knows what the origin of the pyrochlor might be that Mr. Rukeba is offering for sale.

142. A possible other source, Mr. Mode Makabuza, who now claims to be entrusted with managerial duties, has not approached the authorities to repel the illegal use of the mine or to prevent its illegal exploitation. However, Gesellschaft für Elektrometallurgie has declared that the appointment of Mr. Mode Makabuza as "Administrateur delegue" was not authorized by a proper meeting of shareholders of Somikivu. The relocation of Somikivu's offices was not known to Gesellschaft für Elektrometallurgie.

143. The Group of Experts cannot exclude the possibility that the proceeds from the sale of these resources are being diverted towards the procurement of arms, munitions or other sanctioned items, or that these sales are enriching individuals who are currently under United Nations financial sanctions. At the request of the Group of Experts, Belgian authorities have opened an investigation into the matter.

144. On a separate note, the Gesellschaft für Elektrometallurgie has informed the Group through the German Government that it continues a process begun a year ago to dispose of its shares in Somikivu. The German Embassy in Kinshasa informed the Government of the Democratic Republic of the Congo on 8 June 2006 and negotiations on the sale of the shares have since begun.

B. Control systems for precious minerals

145. In its last report (S/2006/53), the Group of Experts proposed a "Pilot study for an enhanced traceability system", which should lead to better regulated exports of the natural resources of the Democratic Republic of the Congo, but since no mandate on the subject had been adopted, the Group of Experts has chosen not to pursue it further. However, a number of States contacted the Group either with requests for more detailed discussions on the matter or to offer assistance on technical aspects.

146. Based on these exchanges, the Group would like to share the following information: the scientific aspects of such a system have revealed a wide gap in views. Some scientists reject outright the idea of a "fingerprinting system" for precious minerals because they allege that developing a reliable methodology has proven to be impossible. Other experts have extensively studied this subject and have arrived at somewhat different conclusions. Scientists of the Federal Institution for Geosciences and Raw Materials (Bundesanstalt für Geowissenschaften und Rohstoffe) in Germany for example find that coltan may be successfully fingerprinted at substantial costs and with a delay of several weeks.

147. Nevertheless, a number of Governments have expressed an interest in determining the feasibility of an enhanced control system for natural resources for their post-transition engagement in the Democratic Republic of the Congo. One of the possible concepts focuses simply on enhancing the country's capacity to properly process the administration of the exploitation and export of its natural resources. During these discussions, possible future engagements would likely focus on three topics:

(a) Collection of information on ongoing corporate and governmental efforts to enhance traceability of precious minerals and their review with enterprises in order to consolidate the information and eventually develop "best practices" that could gain broad support from the private sector;

(b) Bring scientists from leading Governments and corporate laboratories together in order to review and discuss the technical aspects of the most promising existing systems, or systems that are currently under development, in order to arrive at broadly supported "best practices" from a scientific point of view;

(c) With representatives of the Government of the Democratic Republic of the Congo and its neighbouring countries, explore the political and administrative requirements for an effective natural resources control system. One possible issue

might be how the Government of the Democratic Republic of the Congo would be able to ensure compliance. The international community may wish to determine the precise needs of the Government in order to take responsibility for such a supervisory role. These efforts should be in tune with longer-range plans for a control system being developed by the International Conference on the Great Lakes Region (IGCLR).

C. Radioactive mineral deposits of the Democratic Republic of the Congo

148. Another problematic aspect concerning the extractive industries of the Democratic Republic of the Congo is the smuggling of radioactive material. The frequency of seized consignments in the Central African region leaves no doubt that extraction and smuggling must be the result of organized efforts, and that these illegal activities must be highly rewarding financially. It is equally clear that the Government of the Democratic Republic of the Congo is, at the very least, tolerating these risks since it makes neither any attempt to prevent access to the most important mining sites nor does it credibly monitor the radioactivity of exported minerals (see sect. VI below).

1. Reported incidents of smuggling

149. During an investigation into alleged smuggling of radioactive materials, the Group of Experts has learned that such incidents are far more frequent than assumed. According to Congolese experts on radioactive materials, organs of State security have, during the past six years, confiscated over 50 cases containing uranium or cesium in and around Kinshasa. The last significant incident occurred in March 2004 when two containers with over 100 kilograms of stable uranium-238 and uranium-235 were secured.

150. In response to a request for information by the Group of Experts the Government of the United Republic of Tanzania has provided limited data on four shipments that were seized over the past 10 years. Unfortunately the Government chose not to provide information about the quantities of the seized consignments nor the specific method of smuggling. At least in reference to the last shipment from October 2005, the Tanzanian Government left no doubt that the uranium was transported from Lubumbashi by road through Zambia to the United Republic of Tanzania. Attempts via Interpol to learn the precise origin within the Democratic Republic of the Congo have remained inconclusive.

Specifications of radioactive material	*Place where confiscated*	*Date when confiscated*
Uranium ore standard (U-238)	Dar-es-Salaam	24 August 1996
Cesium-137	Dar-es-Salaam	24 April 1997
Uranium-238 and radium 226 (Ra 226)	Dar-es-Salaam	26 October 2002
Uranium-238	Dar-es-Salaam	22 October 2005

2. Likely sources of radioactive material

151. The former mine of Shinkolobwe is situated in the centre of an approximately 400 kilometre-long belt of uranified mineralizations that stretches from south of Lubumbashi to Kalongwe, west of Kolwezi. Along this belt there are many other deposits of uranium and other radioactive materials. However, it is only the high concentration of uranium deposits at Shinkolobwe that have traditionally attracted the attention of industrial and artisanal miners. In most other sites, the extraction of cobalt and copper has remained more profitable.

152. As already indicated in the previous report of the Group of Experts (S/2006/53, paras. 108 and 109), the Group understood that a presidential decree had been issued on 28 January 2004 against any further artisan mining activity at the former Shinkolobwe mining site. Industrial production had ceased there at the site in 1961 and substantial cement lids were set on top of walls to seal off any possibility of entering the highly radioactive mining shafts. Nevertheless, a few months after the issuance of the presidential decree, in July 2004, parts of the old mine collapsed, killing eight artisan miners and injuring 13 others. Over the years, artisan miners, without regard for their own safety, had broken down the concrete lids in order to gain access to the cobalt and uranium deposits.

3. Visit to Shinkolobwe

153. During the current mandate, the Group of Experts visited the former Shinkolobwe mine, which is situated about 120 kilometres north-west of Lubumbashi. The Group was accompanied by a geologist equipped with a Geiger counter in order to better assess potential health threats. Although access to the mining site and its remaining structures is difficult because of overgrown vegetation, the Group of Experts encountered no significant problems driving its 4x4 vehicles straight up to the mining site. On the various roads leading to it, dozens of people were observed pursuing either small-scale logging or farming. None of the encountered villagers seem to be aware of any potential health dangers.

154. This ignorance is no surprise since the entire site seems essentially abandoned with not the lightest cautionary measures in place. There are no barriers or even simple warning signs. One police patrol that the Group encountered immediately next to the mine made no effort to warn other villagers who were nearby. From its interviews with several groups of local villagers and policemen, the Group learned that there are seven villages within a few kilometres of the mine with a total population of little less than 10,000 persons.

155. Measurements of radioactive levels in the vicinity of the mining site all show elevated levels of 1 to 5 micro Sieverlt per hour (mSv/hr). Long-term exposure to those levels, such as might result if a daily work environment were to be contaminated, is considered unhealthy. At the actual mining site the radioactive levels were between 5 to 20 mSv/hr. However along the edges of the large pits, where excavated material has been deposited, several measurements showed values of above 20 mSv/hr and in between two particularly large lots of excavated deposits, radioactivity reached 55.8 mSv/hr. Since the Group was not equipped with protective suits, it did not enter the artisanal shafts that still exist.

156. The Group did not observe any artisan mining on the day of its visit. However, several of the interviewed individuals, including the police agent and his assistants,

did state that artisan mining is an ongoing activity at Shinkolobwe. All interviewed persons agreed that local agents of the mining police and of the National Intelligence Agency, the national intelligence service, not only encourage but also charge fees from the miners.

157. These observations stand in stark contrast to the assurances given to the Group of Experts were given by officials of the Ministry of Mines and of the National Intelligence Agency. They assured the Group that the mine is secured and that no artisan mining is taking place.

D. Recommendations

158. **In order to better protect and regulate its trade in natural resources, the Government of the Democratic Republic of the Congo should be encouraged to seek assistance from the international community in the development of a natural resources control system. Technical and financial support could be sought from the UNDP, the World Bank, national donors' organizations, private sector associations, and from companies involved in natural resource extraction, processing and trading.**

159. By now, the rampant and harmful nature of the linkage between the illegal exploitation of natural resources and funding of arms embargo violations has been proven, with abundant clarity, by the Group of Experts, MONUC and many others. Thanks to the efforts of the international community and the Transitional Government, proper laws have now been enacted in the Democratic Republic of the Congo to properly govern natural resources. The international community should now express its wish to normalize the situation and to prevent further violations of the laws of the Democratic Republic of the Congo with a strong signal to all those who would pose a threat to peace and security: **for a period of one year, in order to assist the new Government in its efforts to stabilize and promote legal natural resources exploitation and commerce, the Security Council may now declare all illegal exploration, exploitation and commerce with the natural resources of the Democratic Republic of the Congo to be a sanctionable act. Violators may be added to the list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005).**

VI. Customs and migratory flows

160. In the area of customs and immigration, the Group highlighted the extent of fraud and of the porosity of the country's borders to the east during its previous mandates. This situation, which facilitates illegal movements of weapons across these borders, was created by networks that illegally exploit the country's natural resources in close collusion with the militia groups that hold sway in the region. Such fraud is also made possible by the complicity of certain administrative and military authorities. To put an end to this state of affairs, the Group had recommended strengthening the State's authority over its borders by setting up a customs, immigration and police service with a sufficient number of well-equipped competent agents and using modern management procedures.

161. During the current mandate, the Group therefore evaluated the progress made in the areas of customs and immigration. To that end, it worked with the following partners: the Customs and Excise Office (OFIDA), the Office congolais de contrôle (OCC), embassy economic advisers and customs authorities from Rwanda, the United Republic of Tanzania, Kenya and Burundi, and the country's own immigration authorities. The Group focused its investigations on the borders that the Democratic Republic of the Congo shares with Burundi, Zambia, Uganda and Rwanda.

162. The Group contacted the following international organizations: the World Customs Organization (WCO), the Financial Action Task Force on Money Laundering (FATF), the European Union, the European Union Mission of Assistance for Security Sector Reform (EUSEC), the International Monetary Fund (IMF) and the World Bank, in order to study ways of strengthening border control in the Democratic Republic of the Congo in the area of customs.

163. The ultimate aim is to limit embargo violations and restore revenues to the national treasury of the Democratic Republic of the Congo.

A. Situation at the borders of the Democratic Republic of the Congo

1. Customs

164. The investigations undertaken by the Group among customs authorities, private stakeholders and NGOs in the Democratic Republic of the Congo during the current mandate reveal that natural resources continue to be exported illegally across the country's borders.

(a) Export fraud mechanism in Katanga

Fraudulent analyses

165. Essentially, laboratory analyses are conducted only on cobalt and copper. Other minerals are ignored, contrary to the regulations in force.

166. **Traceability of minerals**. The requirements set out in Act No. 007/2002 of 11 July 2002, relating to the indication of places of extraction, transformation and storage, are not observed. The customs code allows highly radioactive minerals to be exported only after they have been treated locally or with prior authorization from the Executive Council. Special authorizations are, however, issued by the Ministry of Mining for the transport of samples that need to be assayed in more specialized laboratories. Such authorizations are often used to enable exports of minerals transformed into alloys or low-strength concentrates to bypass regulations. Stolen metals such as electricity cables (copper) are melted and exported as alloys of freshly mined minerals.

167. **Document fraud**. Document fraud on the borders of the Democratic Republic of the Congo consists in the reuse of customs documents, backdated requests for urgent collection and false assay certificates, which are subterfuges used by fraudsters.

168. The Group visited the Kasumbalesa border crossing, Katanga's most important trucking gateway to Zambia, which is situated about 90 kilometres south-east of Lubumbashi. During the visit, the Group witnessed a number of fraudulent and criminal proceedings at the border involving the exportation of natural resources.

169. Frequently these actions are perpetrated in complicity with agents of the Federal Mining Police, representatives of the Ministry of Mines and officials of the various agencies in control of the border and collection of export duties, as well as by representatives of mining companies, transportation companies, shipping brokers and some of the assaying companies.

170. A heightened sense of impunity is generated by the incessant war of words between political groups and parties, who are each aligned with private sector actors, law enforcement agencies, civil society groups and representatives of foreign interests. While these fights result in attacks against criminal actors, many malicious accusations are also aimed at genuine and legitimate enterprises. Notwithstanding these observations, illegal exportation schemes are rampant, and they are always linked to corruption.

171. Another facet is the manner in which this corrupted export industry has been subjugated by politicians and leaders of national importance in order to extract campaign financing during the current election season.

172. The Group of Experts has noted that the following actors are involved in diverting benefits from the extractive industries:

(a) Truck drivers transporting ores from the mining sites to refining facilities or to the borders are frequently subjected to extortionary charges of up to $100 by agents of the Mining Police, the Territorial Police and the National Intelligence Agency, as well as soldiers by the armed forces (FARDC, GSSP). This type of banditry occurs at official or non-official checkpoints that dot the main roads. During a recent trip from the environs of Likasi to Lubumbashi during the evening and night hours, the Group observed five checkpoints where all trucks were held up;

(b) Frequently, trucks transporting minerals to Zambia cross the borders during the night, despite the fact that the Congolese side of the border is officially closed. Apparently, the Zambian customs and border agents sometimes allow these trucks to cross the border and appear to issue transit certificates upon receipt of payment;

(c) The Group has reviewed the border declarations of trucks waiting to cross the border into Zambia. Out of 10 trucks, four did not show any numbered seals certifying the origin of the cargo. The documents clearly demonstrate that the declared quantities and quality of the exported mineral ores are false. Exporters frequently declare the least valuable content, for example only copper content when the ores actually contain primarily cobalt, in order to avoid the proper assessment of export duties. It is estimated that, in this manner, the Treasury of the Democratic Republic of the Congo is losing hundreds of millions of dollars per year in revenue;

(d) The Group has in its possession a list of 52 fictitious companies that have been used, and continue to be used, in connection with illicit export schemes (see annex V);

(e) The Group also has in its possession a list of 44 companies that are not properly registered (see annex VI).

173. Another sign of the highly irregular conditions surrounding the exportation of precious minerals from Katanga province is the lack of integrity of the assaying procedures that should be in place in order to secure safe exports. According to investigations conducted by the Congolese authorities, during 2005, the company, Chemaf, exported large quantities of precious minerals without any authorization. More to the point, among Chemaf's alleged infractions are incorrect certifications of the radioactivity levels of the company's exported ores.

174. It should be noted that because of the widely dispersed uranium deposits that are in close proximity to the significant cobalt and copper resources of Katanga, a significant portion of the mineral exports from this province will inevitably show some level of radioactivity. It is not only in the interest of the personnel involved with these exports but also in the interest of the international community that reliable analyses procedures are put into place (see paras. 148-154).

175. Several assaying companies are currently conducting analyses of the quality, quantity and radioactivity levels of minerals from laboratories in Lubumbashi. To the extent that these activities are conducted on behalf of the border control authorities, the companies employed for this service by the Government should obviously be completely independent of any other commercial interest. The Group of Experts knows of only two, namely Alex Stewart International Congo (ASIC) and Robinson International Afrique, that have invested the necessary staff and equipment in Lubumbashi and the mining centres around it and can guarantee complete independence. Labo Lubumbashi, a company that has started operations only two years ago, is alleged to be affiliated with one of the principals of Chemaf. During the third quarter of 2005, Alex Stewart International Congo was awarded a contract for assaying all export minerals for quantity, quality and radioactivity levels. The contract was undermined by some national politicians and, as a consequence, the company had to withdraw. It appears that Labo Lubumbashi has now been awarded this contract. Efforts by the Group to obtain clarifications from the proprietors of Labo Lubumbashi and Chemaf have so far been ignored. The Group is aware that Alex Stewart International Congo had been targeted in the past by Congolese Government agencies for investigations of fraud and other misdeeds. The Group was not able to ascertain whether these allegations have any legitimate bases or are rather one of the misguided outgrowths of the political contests in the Democratic Republic of the Congo.

The beneficiaries of fraud

176. The prices paid by buyers in Zambia are higher than the market prices, which are based on the mixed content of the ore (ore with high copper content). Understandably then, all ore exports from Katanga go to Chambezie in Zambia for storage and processing.

177. Armed groups profit from this fraud, for many reports show that Mayi-Mayi militia draw a substantial part of their income from the illegal tapping of mineral resources in Katanga for the purchase of arms. Although Gedeon, one of the Mayi-Mayi warlords, decided to give himself up to MONUC, some of his men who did not follow him are still armed and continue to be a threat to the peace process.

178. During its next mandate, the Group intends to continue its investigations in order to identify links with arms trafficking and to trace transactions all the way

through to the main beneficiaries behind this fraudulent tapping of the natural resources of the Democratic Republic of the Congo.

(b) In Ituri district

179. Insecurity in this district is characterized by the strong presence of rebel forces. The customs frauds perpetrated by the rebels persist with the complicity of the political, military and administrative authorities and national and foreign economic operators.

180. These customs frauds relate mainly to the timber, coffee, petroleum and mining industries. Peter Udaga, also known as "Peter Karim", a former FNI commander, is one of the chief perpetrators of these frauds. He operates essentially in the Kwandroma-Fataki-Nokia triangle, which lies between Gjugu and Mahagi territory near Paidha in Uganda.

181. Peter Udaga regularly sends timber and coffee from the Democratic Republic of the Congo to Uganda in exchange for arms and ammunition, by road and occasionally by Lake Albert. Customs officials in Mahagi, Aru and Ariwara do not dare to intercept, check or seize these trucks of timber for fear of reprisal.

182. During its previous mandates, the Group itself photographed trucks of wood going towards Uganda. No document legalizing this transport accompanied the merchandise. In the previous report, Djabu, an FNI leader, also confirmed to the Group the part played by timber from Ituri in arms smuggling and the pre-financing system. All these rebels had already told the Group that the use of timber in arms smuggling or the pre-financing of their activities involved Ugandan businessmen, in particular Peter Karim, a Ugandan soldier and timber contractor in Paidha.

183. In the course of its next mandate, the Group will conduct more searching investigations on these cases of fraud and practices that destabilize peace and security in the subregion.

2. Immigration

184. The General Directorate for Immigration (DGM) of Kinshasa asserts that the central authority is not responsible for any of the agents serving on the eastern borders of the Democratic Republic of the Congo, who act unlawfully by stamping passports and selling visa stamps. These agents were posted or found there by the rebels.

185. The rebel leaders are thus able to enjoy complete freedom of movement, as was the case until just recently for Kakolele who would freely cross the border between the Democratic Republic of the Congo and Uganda, in Ituri, with full impunity. Other individuals, like Ozia Mazio, who is on the United Nations sanctions list, along with the aforementioned Peter Udaga, also known as "Peter Karim", Colonel Ali and several others take advantage of this absence of border control to move around without being disturbed.

186. Ignace Murwanashyaka, leader of the FDLR, left the Democratic Republic of the Congo for Germany by way of Uganda without any trouble at the borders. This case demonstrates the complicity of certain agents, on both sides of the border.

187. When it was in Kampala, the Group was informed that 10 or so Congolese rebels had been arrested. If there were effective border control in the Democratic

Republic of the Congo, such movement from one place to another would be difficult.

B. Efforts by the Congolese authorities to regain control

188. Where customs is concerned, the situation described on the borders requires capacity-building to put an end to trafficking. The Customs and Excise Office (OFIDA) has accordingly taken steps to restructure its services. OFIDA officials involved in numerous cases of misappropriation in Katanga have thus been dismissed. Customs officers in Ituri have also been recalled to Kinshasa and others have been suspended and are the subject of investigations. Furthermore, OFIDA has signed the World Customs Organization (WCO) Framework of Standards. For the control of all imports into the Democratic Republic of the Congo, OFIDA has also signed a contract with Bivac International.

189. As far as immigration is concerned, no initiative has been taken. The agents serving in the eastern part of the Democratic Republic of the Congo continue to work under their own responsibility, outside the control of the Kinshasa authorities.

C. International cooperation

190. The Group had occasion to meet WCO officials, in order to consider with them ways of helping the Democratic Republic of the Congo to improve its system of border control. WCO will be sending an evaluation mission to the Democratic Republic of the Congo in order to validate its acceptance of the Organization's Framework of Standards. Other missions are planned in the region, beginning in June 2006.

191. The World Bank, for its part, is examining ways of improving the financial system of the Democratic Republic of the Congo, including the customs sector.

D. Cooperation with States in the region

192. The Group noted frequent border crossings from Ituri to Uganda by rebel leaders, including some on the United Nations sanctions list. During previous mandates, the Group had drawn the attention of the Ugandan authorities to the fact that the territory of Uganda was being used as a rear base by rebel groups. The Group had even pointed out the ongoing measures in June 2005 to establish the Mouvement révolutionnaire congolais (MRC). At the time of the Group's last visit to Kampala, the Government had just arrested MRC rebels, including Kakolele, expelled in August 2005. The Group asked to meet those recently arrested rebels but the Ugandan authorities were unwilling to cooperate.

193. The Group found evidence of the presence of numerous Congolese rebels in Kampala and will continue to conduct more thorough investigations into the activities of other suspect persons.

194. Rwanda for its part has provided the Group with a list of imports from and exports into the Democratic Republic of the Congo for the period beginning in

2006. However, the Group is still waiting for lists of movements of persons for the same period.

E. Recommendation

195. **The Group reiterates its earlier recommendations on the reinforcement of border controls and encourages donors to strengthen the capacities of customs and immigration services.**

VII. Cooperation between States Members of the United Nations and the Group of Experts

196. In paragraph 4 of Security Council resolution 1654 (2006), the Security Council reaffirmed its demand that all parties and all States cooperate fully with the work of the Group of Experts, and that they ensure unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate.

197. Although there have been continued improvements in the cooperation of most of the states of the Great Lakes Region, the collaboration between Uganda and the Group of Experts, in conformity with paragraph 4 of resolution 1654 (2006), and paragraph 19 of resolution 1596 (2005), has not been satisfactory. The Group is of the view that Uganda has ignored the specific demand of the Security Council.

A. Democratic Republic of the Congo

198. In regards to the Democratic Republic of the Congo, the designation of focal points for each area of expertise by the Government has generally facilitated the work of the Group of Experts. The Group is particularly grateful to Ambassador Valentin Matungul and his team for their coordination role.

199. The Group of Experts acknowledges that during the transition period, the Government of the Democratic Republic of the Congo has an inherent lack of capacity. This notwithstanding, the cooperation given by the office of the Military Adviser to the President, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Mines, the Ministry of Energy, the Mining Cadastre, OFIDA, l'office angolais de contrôle, the Compagnie Africaine d'Aviation and the RVA has helped to advance the Group's investigations.

B. Rwanda

200. During this mandate, the Group welcomed the advances made in its cooperation with the Government of Rwanda. The Group considers that it has received better support in most areas from the Government and its administrative focal points.

201. In the area of civil aviation, the designation of a focal point in the Rwandan Government has greatly aided the collection of information on air traffic movements. The stated position of the Government of Rwanda is that it remains

opposed to facilitating investigations into the private Rwandan company Silverback Cargo Freighters. This is an area in which the Group considers its investigations could be usefully aided by the good offices and support of the Rwandan Government.

202. In the area of customs and immigration, the Group has yet to receive requested immigration documents.

203. Concerning investigations into weapons tracing, FDLR, the application of financial sanctions and transit and storage of pyrochlor and other natural resources, the Group welcomes the initial steps made by the Government of Rwanda to supply information. The Group hopes that this exchange of information will continue and broaden during the next mandate as Rwanda itself takes further steps to investigate these areas.

C. Uganda

204. The Group of Experts is compelled to report that the cooperation of Government of Uganda has further deteriorated during this mandate. Ugandan authorities have not given the Group the unhindered and immediate access to persons, documents and sites requested by the Security Council, and which the Group deems relevant to the execution of its mandate.

205. Uganda has provided some documentation in response to information requests made by the Group, but this documentation, although lengthy, rarely corresponds to specific information requests.

206. The Group met the representatives of the Government of Uganda in Kampala on 18 April 2006. The Group considers the position of the Government of Uganda stated at that meeting, and repeated in later correspondence, to be both inflammatory and unjustified. The Group would like to restate that, to date, it has at no point accused the Government of Uganda of violating the arms embargo on the Democratic Republic of Congo. In order to conduct its investigations, however, the Group requires substantive, accurate and timely responses from the Government of Uganda to its questions, as well as access to requested persons, documents and sites.

207. The Government of Uganda has consistently exaggerated the requests of the Group, while understating its capacity to comply with those requests. One of many examples of this strategy of misinformation regards civil aviation. The Group again states its need to have access to the air traffic sheets of Entebbe Civil Airport and to access Entebbe military airport. The position of the Government of Uganda is that since MONUC aircraft use this airport on a regular basis the Group should approach MONUC for such details. The Group would like to restate that in order to conduct its investigations it must interact with the Government authorities responsible for the sectors it is investigating. In this specific case, MONUC is one of many clients of the Ugandan aviation authorities and is not responsible, in any way, for collecting information of this nature on behalf of the Group.

208. The Group considers that its capacity to conduct investigations in Uganda has been severely impaired as a direct result of the non-cooperation of the Ugandan Government.

209. **The Group believes that this matter should be given careful consideration by the Security Council, including the possible imposition of restrictive measures against the Government of Uganda, should it continue to withhold its cooperation from the Group in carrying out its mandate.**

D. Regional and international relations

210. The Group of Experts was also able to visit the United Republic of Tanzania and Burundi. The cooperation received from both States has once again been satisfactory.

211. Again during this mandate the Group of Experts has encountered difficulties in tracing the international movement of weapons. When investigating shipments of weapons from producer countries to end users, commercial confidentiality constraints are frequently cited by producer countries and shipping agents as reasons why information requested by the Group cannot be provided. In turn, client countries implicated in the same transactions cite national security concerns as a reason why they cannot respond to the same information requests.

212. The Group of Experts intends to continue visiting weapons producing countries in order to clarify marking and shipping procedures so that these countries can assist with its investigations into arms trafficking in the Great Lakes Region.

VIII. Compliance with financial sanctions and travel bans

213. The Security Council Committee established pursuant to Security Council resolution 1533 (2004) concerning the Democratic Republic of the Congo approved a list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005) on 1 November 2005. It was decided that: "all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States"; and that: "all States shall [...] immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee [...] or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and [...] that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities".

214. The Group of Experts has observed that these measures have not been uniformly implemented in the Great Lakes Region. In November 2005, the Group wrote to all States in the Great Lakes Region and Germany, requesting information regarding their compliance with the above United Nations sanctions. Only Germany responded to this request, and did so immediately. The case of the violation of a United Nations travel ban by Dr. Ignace Murwanashyaka, discussed in the present report, is just one of many examples illustrating the weakness of the implementation of United Nations sanctions by Member States in this region. This sanction was only enforced when Dr. Murwanashyaka left the region, arrived in Europe, and was

arrested by German authorities, who immediately informed the Sanctions Committee of their actions.

215. Although the Group has not received information from the Governments of the countries of the Great Lakes Region about measures taken against people or entities subject to the above sanctions it has made the following observations during its investigations in the field.

Last name	*First name*	*Current status*
Bwambale	Frank Kakolele	Arrested in Uganda for visa violations in April 2006. His current status is unknown to the Group, and the Group has not been able to gain access to this individual even though it has requested this from the Government of Uganda.
Kakwavu Bukande	Jerome	No action has been reported to the Group as having been taken by the authorities of the Democratic Republic of the Congo in order to seize any assets owned by this individual
Katanga	Germain	In Prison in the Democratic Republic of the Congo. No action has been reported to the Group as having been taken by the authorities of the Democratic Republic of the Congo in order to seize any assets owned by this individual.
Lubanga	Thomas	In prison in The Hague. No action has been reported to the Group as having been taken by the authorities of the Democratic Republic of the Congo in order to seize any assets owned by this individual.
Mandro	Khawa Panga	In prison in the Democratic Republic of the Congo. No action has been reported to the Group as having been taken by the authorities of the Democratic Republic of the Congo in order to seize any assets owned by this individual.
Mpano	Douglas	Currently in Goma, North Kivu, Democratic Republic of the Congo. No action has reportedly been taken against this individual by the authorities of the Democratic Republic of the Congo. The Group has observed that his company and its planes are still operating in violation of the financial sanctions imposed upon him. Furthermore, members of the Group met

Last name	*First name*	*Current status*
		this individual in both the Democratic Republic of the Congo and in Gisenyi in Rwanda.
Mudacumura	Sylvestre	Currently in the eastern part of the Democratic Republic of the Congo. No action is reported as having been taken against this individual by the authorities of the Democratic Republic of the Congo.
Murwanashy-aka	Dr. Ignace	Arrested in Germany after violating his travel ban and since released on bail. The Group has received no information from the Governments of Uganda or the Democratic Republic of the Congo explaining what assistance he received when travelling from the Democratic Republic of the Congo to Europe via Uganda. German authorities continue to investigate the matter, and the Group of Experts has interviewed the individual.
Mutebutsi	Jules	Currently in Rwanda. Rwandan authorities remain seized of the matter. No action is reported as having been taken against this individual by the authorities of the Democratic Republic of the Congo.
Ngudjolo	Matthieu, Cut	No action is reported as having been taken against this individual by any State in the Great Lakes Region.
Njabu	Floribert	In prison in the Democratic Republic of the Congo. No action has been reported to the Group as having been taken by the authorities of the Democratic Republic of the Congo in order to seize any assets owned by this individual.
Nkunda	Laurent	Continues rebel activities in North Kivu in the eastern part of the Democratic Republic of the Congo. No action is reported as having been taken against the individual by the authorities of the Democratic Republic of the Congo.
Nyakuni	James	Continues commercial activities in Aru, Democratic Republic of the Congo and Arua, Uganda. The authorities of the Democratic Republic of the Congo have not reported any action taken against this

Last name	*First name*	*Current status*
		individual. Ugandan authorities have not reported any action taken against this individual but have served as conduits for his letters of complaint to the United Nations sanctions committee.
Ozia Mazio	Dieudonne	In Ituri, Democratic Republic of the Congo, and continuing cross border commercial activities in Uganda. No action has been reported to the Group as having been taken either by the authorities of the Democratic Republic of the Congo or the authorities of Uganda in order to seize any assets owned by this individual.
Taganda	Bosco	No action is reported as having been taken against this individual by any State in the Great Lakes Region.
Tous pour la paix et le developpment (non-governmental organization)		This entity continues to operate in North Kivu. No action has been reported to the Group as having been taken by the authorities of the Democratic Republic of the Congo in order to seize any assets of this non-governmental organization. Governor Eugene Serufuli has sent a lengthy letter of defence on behalf of the organization.

216. The Group of Experts has found that the failure of implementation of financial sanctions and travel bans are not limited to the above list. The financial section of the present report shows how individuals placed under financial sanctions and travel bans by other United Nations sanctions committees are freely travelling to and conducting financial activities in the Great Lakes Region, specifically in the natural resources sector of the Democratic Republic of the Congo.

IX. Collaboration between the United Nations Organization Mission in the Democratic Republicn of the Congo and the Group of Experts

217. The Group continues to enjoy a close relationship and fruitful exchange of information with MONUC. During this mandate, the G2 branch and all substantive sections have been invaluable in providing information to the Group and assisting in its research. Focal points within MONUC headquarters and in its offices across the region have proven to be essential in aiding the Group in its substantive and administrative requirements.

218. The Group of Experts recognizes that in the election period, MONUC has many demands on its limited resources. The Group would like to commend MONUC for its continued vigilance and reaffirm the essential role MONUC, the Sanctions Committee on the Democratic Republic of the Congo and the Group of Experts play as monitoring mechanisms in the three-pillar system of the arms embargo on the Democratic Republic of the Congo.

X. Working conditions of the Group of Experts

219. The Group of Experts would yet again like to express its sincere thanks for the support and advice given by members of the United Nations Secretariat during this mandate. In many cases these individuals have gone above and beyond the call of duty in order to facilitate the work of the Group.

220. The Group must restate that its capacity to conduct investigations depends on the efficiency of its support mechanisms and of the time it spends working in the field. During this and the previous mandate, the Group has not had sufficient time to carry out its investigations. During the last two mandates, the Group had only two periods of 9 weeks and of 7 to 9 weeks, respectively, in the field. In between the field work in consecutive mandates there is a gap of at least three months. Because of this delay, information becomes outdated and sources or contacts are often lost. Therefore, the Group suggests that the Secretariat receive the necessary financial and administrative capacity in sufficient time to support the Group in its endeavours.

221. The Group of Experts needs a minimum of 3 to 4 months of field investigations in order to properly fulfil its mandate. Ideally, to make the most efficient use of resources, the Group should be able to maximize its time in the field and minimize delays between successive mandates.

Annex I

Countries visited by the Group of Experts

For security reasons certain individuals who have provided information or statements to the Group of Experts cannot be listed.

Belgium

Government: Ministry of Foreign Affairs, Federal Police

Organization: World Customs Organization

Burundi

Government: Service des voies aériennes, Ministry of Finance — Customs Directorate

Organization: United Nations Office at Nairobi

France

Government: Ministry of Foreign Affairs

Organization: Financial Action Task Force

Germany

Government: Ministry of Foreign Affairs; Ministry of Trade

Individuals: Dr. Ignace Murwanashyaka

Kenya

Government: Port Authority

Libyan Arab Jamahiriya

Government: Civil Aviation Authority

Democratic Republic of the Congo

Government: President's Office, Delegation Générale du Gouvernment chargée de liaison avec la MONUC, Ministère des Mines, Ministry of Finance, Ministry of Energy, Direction Aeronautique Civil, Service des Voies Aériennes, Banque Centrale du Congo, Commission pour la Réconstruction et le Développement, Ministry of Internal Security, Ministry of Defence, Ministry of Foreign Affairs, Garde Republicaine, Lubumbashi International Airport, Administration of Province Orientale, Office of the Special Adviser to the President, Mining Cadastre

Diplomatic missions: France, United States of America, African Union, China, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Germany, Angola

Organization: MONUC — Ambassador William Lacy Swing, United Nations Development Programme, Office for the Coordination of Humanitarian Affairs

Enterprises: OKIMO, GLBC, Wimbi Dira Airlines

Rwanda

Government: Special Representatives of the Office of the President, Ministry of Foreign Affairs, Civil Aviation Authority. Customs and Immigration Office

Diplomatic missions: France, Belgium, Burundi, United States of America, United Kingdom of Great Britain and Northern Ireland

Senegal

Organizations: International Civil Aviation Organization

South Africa

Government: Ministry of Foreign Affairs, National Police for Forensic Science Services and Scientific Analysis Unit

Organization: Institute for Security Studies

Enterprises: Anglo Gold Ashanti

Uganda

Government: Ministry of Foreign Affairs

Diplomatic missions: Belgium, France, United Kingdom

Enterprises: Airnavette

United Republic of Tanzania

Government: Civil Aviation Authority, Customs Office

United States of America

Government: United States Department of the Treasury, State Department

Diplomatic missions: Democratic Republic of the Congo, Uganda, Rwanda, Burundi, China, United Republic of Tanzania, Russian Federation, Zimbabwe

Organization: Department of Peacekeeping Operations of the Secretariat, Department of Political Affairs of the Secretariat, Chairman of the Security Council Committee pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Enterprises: Alex Stewart (Assayers) Government Business Corporation

Annex II

List of aircraft accidents in the Democratic Republic of the Congo since the last mandate of the Group of Experts

- 2/01/06: forced landing of a Rwenzori Airways Piper PA 32-300 with three persons on board (the pilot and two passengers) at Lipopi, 50 kilometres west of Djugu, on the Bunia-Aru route due to technical problems. Aircraft seriously damaged; pilot slightly injured.
- 13/02/06: accident upon landing at Aveba of an Aviation Sans Frontières aircraft, registration number OO-NRU, with four people on board, including two pilots. Aircraft was damaged and some of the persons on board were slightly injured.
- 26/02/06: accident upon landing at Mbuji Mayi airport of a Wimbidira Airlines Antonov 12 cargo aircraft, registration number TN AGZ (Republic of the Congo) coming from Kinshasa. The six crew members were rescued. However, the aircraft caught fire and the entire cargo was consumed by the flames.
- 27/04/06: accident at Mungele, 250 kilometres north of Kindu, on Lubutu territory, of a small commercial aircraft with eight persons on board chartered by Vodacom to transport its equipment. Two of the eight persons on board survived; aircraft completely wrecked.
- 30/04/06: crash at 3,600 metres in the Rwenzori mountains, in Kasese, Uganda, on the Goma-Bunia route of an aircraft chartered from King Air Services. None of the three persons aboard survived.

Annex III

Exploration and exploitation permits

Kasaï Oriental: Exploration Permits

Concessionaires who do not identify their principal shareholders, senior managers, or joint venture partners:	Concession numbers:
Southernera (Cayman Islands) Ltd.	1093-1097, 1101-1107, 1121-1129, 1486, 1489, 1506-1513, 2369-2376, 2377
Afminex Ltd.	976-983, 1755-1756
Aubrey Mining Ltd.	2306, 2309
BCM Congo Exploration SPRL	720, 722-729, 737, 987-989, 1808, 1893, 1829-1854
Diamico SPRL	1503
Diamond Industry Associates Ltd.	2851, 2853-2854, 4020-4021
Jig Mining Exploration Ltd.	2516-2518
Jig Mining RDC Ltd.	1249
Krismat Financial Exploration SA	1260-1262
Kwango Mines SPRL	1211
Lovua Exploration SA	1258
Nuru Accel SPRL	673
Olympus Mining Corporation Ltd.	1271-1273
Oshung Congo SPRL	558-559
Redman Financial Limited SPRL	2926-2967, 4241
Saminco Resources Ltd.	1540-1542
Semco SPRL	4146-4148
Somilo SPRL	2817
W.B. Kasaï SPRL	785, 794, 797-800

Kasaï Oriental: Exploitation Permits

Concessionaires who do not identify their principal shareholders, senior managers, or joint venture partners:	Concession numbers:
Exmico SPRL	615
Exprom SPRL	504
Kabongo Development Company SPRL	607-612, 629-636
Luminaire du Congo SPRL	502
M.B.C. SPRL	506-510, 365, 368-371, 373-380, 383-388, 390-394, 396, 400-401, 404-406, 411-412, 417, 419, 421, 431, 433-436, 438-445, 447-449
Midamines SPRL	226
Miminco SPRL	251-252
Mincorp SPRL	181-184, 253
Sicco Khalil SPRL	362
Sominex SPRL	452, 455, 616-619
Terra-Z SPRL	569-571

Katanga: Exploration Permits

Concessionaires who do not identify their principal shareholders, senior managers, or joint venture partners:	Concession numbers:
Amercosa Exploration	754, 759-763, 767-769, 774-779 738-741, 745-758, 975
BHP Billiton	868, 871, 873-877, 879, 884-891, 2685-2700
Bitmark Company SPRL	3114
Gecamines SARL	1050, 1052, 1054, 1060, 1065, 1066, 1072, 1074-1077, 1079, 1089-1090, 1776, 2347-2362, 2808-2811
Kasai Mining and Exploration	4098-4104
MDDK	459-462
Mimeci SA	2460-2464
Mondo Mining SPRL	2315-2316, 2318
M.A.D. SA	2203-2204
Wamico SPRL	4189-4197

Katanga: Exploitation Permits

Concessionaires who do not identify their principal shareholders, senior managers, or joint venture partners:	**Concession numbers:**
Comide	643, 2606-2608
Comisa	551
CMSK	527, 2603
Gecamines	118-122, 360, 464-466, 481, 523-526, 528-532, 534-540, 544, 657-658, 660-661
Goma Mining	4632
KMC	463, 468
Mukondo Mining	2589
Mumi	662
Ruashi Mining	578
SEK	533
SMKK	495-496
SRM	2604-2605, 663
Sodimco	101-102, 271, 330
Shituru Mining	4725
Swamines	591
Tenke Fungurume	123, 159

Annex IV

Cases referred to the Evaluation Commission

LISTE DES CAS LITIGIEUX

I. **Cas des titres réclamés (cfr Arrêté Ministériel n° 001/CAB.MINES-HYDRO/01/2003 du 25/01/2003)**

1. AFRICAN MINERALS SPRL : - ZER XXXV/KL
   - ZER XXXVIII/KL
   - ZER XXIX/KL
   - ZER XXX/KL

2. ANMERCOSA EXPLORATION CONGO :
   - ZER XXIX/KL
   - ZER XXX/KL

3. SOMIKIVU : Concession minière n° 192

II. **Cas d'empiètement**

1. Dossier PEPM 4736 de la Société ESIMO GROUP SPRL : Empiètement avec le P.E. 4904 de la Société ITURI GOLD MINING COMPANY ;

   - Dossier PEPM 4737 de la Société ESIMO GROUP SPRL : Empiètement avec le P.E. 4904 de la Société ITURI GOLD MINING COMPANY ;

   - Dossier P.E. 4904 de la Société ITURI MINING COMPANY : Empiètement avec les PEPM 4736 et 4737 de la Société ESIMO GROUP SPRL ;

   - Dossier P.E. 207 de la Société NAKOMINES : Empiètement avec le P.E. 4929 de Monsieur YONGO CARDOSO ;

   - Dossier P.E. 4929de Monsieur YONGO CARDOSO : Empiètement avec les P.E. 207 et 209 de la Société NAKIMONES ;

   - Dossier P.E. 202 de la Société NAKOMINES : Empiètement avec le P.E. 4930 de Monsieur YONGO CARDOSO ;

   - Dossier P.E. 4930 YONGO CARDOSO : Empiètement avec le P.E. de la Société NAKOMINES ;

- Dossier P.E. 4943 de Monsieur NZAU : Empiètement avec le P.E. 2598 de la Société SAKIMA ;

- Dossier P.E. 4948 de Monsieur NZAU : Empiètement avec le P.E. 2598 de la Société SAKIMA ;

- Dossier P.E. 4731 de Monsieur MWANGACHUCHU : Empiètement avec le P.E. 76 de la Société SAKIMA ;

- Dossier P.E. 4952 de la Société SOMIBAF : Empiètement avec le P.E. 4736 et 4737 de la Société ESIMO GROUP SPRL et le P.E. 4906 de la Société ITURI GOLD MINING ;

- Dossier P.E. 4950 de la Société SOMIBAF : Empiètement avec la concession de l'OKIMO.

2. PEPM 570 de TERRA-Z et PEPM 511 de SUMBULA A KANZOV ;

3. P.E.620 de MUKEBA TSHIKALA et le PEPM n° 467 de Monsieur KOMBA KIONGEKA .

III. <u>Cas d'octrois irréguliers (Dossiers de Mise en conformité et de transformation des territoires réunifiés).</u>

1. SIHU sprl : PR 4824, 4827, 4828, 4829, 4830, 4832, 4833, 4834, 4835
   4836, 4837 et 4838 ;
2. MASTERS sprl : 4839 et 4840 ;
3. REMEC sprl : 4739 à 4788 ;
4. TOP-FRIC sprl : 4841 à 4862

N.B. Titres octroyés pour 4 ans par l'Administration des territoires sous contrôle rebelle en violation des prescrits de la Loi Minière n° 081-013 du 02 avril 1981 qui fixe à 2 ans la durée de validité d'un Permis de Recherches.

Annex V

List of 52 fictitious companies

Customs and Mining Service of Lumbumbashi

1. GOLDEN SLOTS SPRL
2. LA GENERALE D'APPROVISIONNEMENT « GENAP SPRL »
3. TRANSIMEX SPRL
4. PREMIERES ENTREPRISES
5. LA COMPAGNIE DE LUKUGA
6. AGRIANA SPRL
7. COENS SPRL
8. ARNO KATANGA
9. LUALABA COMPANY SPRL
10. MINEX SPRL
11. JABES PHARMACEUTIQUE
12. LUNA TRAVEL SPRL
13. LEANS PROJET SPRL
14. WESTLAND MINING CONSOLIDATED « WESMINCO SPRL »
15. KINGSMINE AND PETROLEUM COMPANY LIMETED
16. SOCIETE CONGOLAISE DES MINES
17. F.K. SERVICES SPRL
18. SOCIETE UBULIMU SPRL
19. SOCIETE DE TANTALITE
20. LA GENERALE CONGOLAISE DES SERVICES
21. CODECOM SPRL
22. THE KASWEKA'S TRADING SPRL
23. MADINI SPRL
24. HITECH ENTREPRISE SPRL
25. NEW BUSINESS CONSULTANCY "NBC SPRL"
26. QUANTUM LEAR AFRICA LIMITED
27. SOCIETE AGRICOLE COMMERCIALE ET DES SERVICES "SACS SPRL »
28. SHIVAN ENTREPRISE SPRL
29. EGOWATCH INTERNATIONAL PROTECTION SERVICES SPRL
30. GROUPE KANU'S & CIE SPRL
31. SOCIETE INDUSTRIELLE PAKEEZAM
32. KALOMBO TRACKER
33. TSHIAMAKA TRUST MINING
34. TRANSPORT EXPRESS CARGO
35. GROUPE A.A.R. SPRL
36. NZILO INVESTMENT
37. B.M.G. CONGO SPRL
38. GROUPE ABBA MINERAL MINING
39. LIBERTY MINING AND INVESTMENT

40.SOCIETE AFRONIDE SPRL
41. SOCIETE IMMOBILIERE ET DE COURTAGE
42.KYNOMAC SPRL
43.MANOIR SPRL
44.G.B. INDUSTRIEL SPRL
45.PROJET MUBUNDA
46.DRAGON BRITHERS
47.EC MINING
48.UMI
49.HUAN TONG INTERNATIONAL
50.GROUPE KBM
51. GRACO TRADING
52.ILGA MINING SPRL

Annex VI

Companies that are not properly registered or legally established, as reported by the Mining Division of Katanga

01. SOCIETE AGRICOLE ET DES SERVICES « SACS SPRL »
02. SOCIETE IMMOBILIERE ET DE COURTAGE
03. GB INDUSTRIEL SPRL
04. BWANA MUKUBWA MINING
05. PROJET MUBUNDA
06. UMICORE
07. DRAGON BROTHERS
08. ABDALAH
09. GROUPE FAUSTIN
10. A.V. MINES
11. E.C. MINING
12. U.M.I.
13. AFRITALIA
14. COBECO
15. MAISON KAMWA (STATION DDT)
16. GLOBAL MINERALS
17. HUAN TONG INTERNATIONAL
18. MUVULUKA
19. ENTREPRISE METALLURGIQUE DE LUBUMBASHI
20. MOMBO INTERNATIONAL
21. GROUPE PAUL EXPRES MINING
22. MKM CONSULT SPRL

23. JELUTRAF
24. GRAND CONGO
25. SOCIETE D'EXPLOITATION MINIERE INTERNATIONALE
26. KALODRDIA MINING
27. COGEX SERVICES
28. SOCIETE NEW SYSTEM
29. GROUPE KBM
30. LA FONDERIE CONGOLAISE DES MINES
31. YIMPING COMMERCE SPRL
32. CEPRODEV
33. FU YUAN MINING SPRL
34. GRACO TRADING
35. CONGO MINING COMPANY SPRL
36. MINERALS INVESTMENT SPRL
37. SUBIRA CONFORT SPRL
38. MAK MINING SPRL
39. ILGA MINING SPRL
40. SODICO
41. KAPAPA KAM SPRL
42. ABUCO MINING
43. KAPAPA KAM SPRL
44. ABUCO MINING